



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

[ खण्ड 20 ]

शिमला, शनिवार, 24 जून, 1972/3 आषाढ़, 1894

[ संख्या 26 ]

## विषय-सूची

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	594—595
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	595—598
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि	598
भाग 4	स्थानीय स्वायत्त शासन: म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन परिषद तथा पंचायत विभाग	598—599
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	599—602
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	603—604
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) को वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	—

24 जून, 1972/3 आषाढ़, 1894 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 10-15/72-V.S., dated the 13th June, 1972.	Vidhan Sabha Secretariat	Publication of the Himachal Pradesh Appropriation Bill, 1972 (Bill No. 18 of 1972).
No. 1-13/72-LSG, dated the 20th June, 1972.	Local Self Government Department	Publication of Bye-laws made by the Municipal Committee, Nahan, Sirmur district, Himachal Pradesh.
No. 1-31/70-LSG, dated the 20th June, 1972.	-do-	Amendments in Bye-Laws made by the Municipal Committee, Theog, in Mahasu district, Himachal Pradesh.
No. 13-5/67-LSG, (II) (-), dated the 20th June, 1972.	-do-	Notifying the withdrawal of exemption from payment of octroi duty on Cinema Film(s) granted to Shahi Theatre, Simla, by the erstwhile Punjab Government.
No. 11-11/72-Home, dated the 15th June, 1972.	Home (Jails) Department	General order for detention of any person arrested under section 3 of the Maintenance of Internal Security Act, 1971 in a Police Lock-up or Jail.
No. 8/72-E&T (Secr.), dated the 22nd June, 1972.	Excise and Taxation Department	Notifying certain amendments in the Himachal Pradesh Passengers and Goods Taxation Rules, 1957.
No. 9-1/71-E&T (Secr.), dated the 23rd June, 1972.	-do-	Exempting certain categories of vehicles from payment of tolls tax on Kalka-Simla road which are hired, requisitioned or used for the purpose of India-Pakistan Summit meeting at Simla.

# भाग 1--बैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

## हिमाचल प्रदेश सरकार

### PERSONNEL DEPARTMENT (A) NOTIFICATIONS

*Simla-2, the 14th June, 1972*

No. 10-2/68-DP-Appnt. —In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor, Himachal Pradesh is pleased to appoint Shri C. D. Paresheera, Sub-Divisional Officer (Civil), Jogindernagar, District Mandi to be the Magistrate First Class, with all the powers of a Magistrate First Class, under the said Code, to be exercised within the local limits of Mandi district, with immediate effect.

S. S. SIDHU,  
Joint Secretary.

*Simla-2, the 17th June, 1972*

No. 8-155 71-DP-Appnt. —In continuation of this Department notification of even number, dated the 1st & 4th January, 1972 and in exercise of the powers vested in him under section 5 of the Electricity (Supply) Act, 1948, the Governor, Himachal Pradesh is pleased to appoint the following officers as *ex-officio* members of the Himachal Pradesh State Electricity Board with immediate effect:

- (1) Secretary (Finance) to the Government of Himachal Pradesh.
- (2) Secretary (Industries) to the Government of Himachal Pradesh.

K. N. CHANNA,  
Chief Secretary.

*Simla-2, the 17th June, 1972*

No. 10-2/68-DP-Appnt. —In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor, Himachal Pradesh is pleased to appoint Shri Mohinder Singh, Sub-Divisional Officer (Civil), Dalhousie, District Chamba, to be the Magistrate Second Class, with all the powers of Magistrate Second Class, under the said Code, to be exercised within the local limits of Dalhousie Sub-Division of Chamba district excluding the areas of Dalhousie, Baloon and Bakloh, with immediate effect.

2. In exercise of the powers conferred by section 13 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor, Himachal Pradesh is further pleased to place Shri Mohinder Singh in charge of the Sub-Division Dalhousie of Chamba district to be called Sub-Divisional Magistrate, Dalhousie, District Chamba.

*Simla-2, the 17th June, 1972*

No. 10-6/67-DP-Appnt (II). —In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), as amended by the Punjab Separation of Judicial and Executive Functions Act, 1964, the Governor, Himachal Pradesh is pleased to appoint Shri Netar Mani, Land Acquisition Officer, Beas Dam Project, Talwara, to be the Executive Magistrate of First Class under the said Code to exercise the powers of Executive Magistrate of First Class for the sole purpose of attestation of affidavits of oustees of Beas Dam Project, within the local limits of Nurpur and Dehra Gopipur tehsils of Kangra district, with immediate effect.

S. S. SIDHU,  
Joint Secretary.

## AGRICULTURE DEPARTMENT NOTIFICATION

*Simla-2, the 13th June, 1972*

No. 38-36/72-Agr. (Seect). —Whereas, inspite of substantial fertilizers being available in stock in Himachal Pradesh, sanctions for purchase of 1100 tonnes of Superphosphate worth Rs. 4,75,981 and 500 tonnes of Superphosphate worth Rs. 2,18,520 were issued in November, 1968 and March, 1969 respectively;

And, whereas, the Governor, Himachal Pradesh, is of the opinion that it is necessary to appoint a Commission for enquiry into these purchases which constitute a matter of public importance;

Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers vested in him under sub-section (1) of section 3 of the Commission of enquiry Act, 1952, is pleased to appoint Mr. Justice D. B. Lal of the Himachal Pradesh High Court as the Commission of Enquiry, and to require him to enquire comprehensively into and report, *inter-alia*, on the following issues, in relation to the two purchases of fertilizers during November, 1968 and March, 1969, within six months of the date of this notification:—

- (1) The necessity of purchasing Superphosphate in 1968 and 1969, notwithstanding the fact that substantial fertilizer stocks were available in the State at the end of September, 1968.
- (2) Purchase of the aforesaid Superphosphate from M/s Sriram Chemicals and Fertilizers to the exclusion of other suppliers of fertilizers who had offered to supply the requisite fertilizers.
- (3) The responsibility which can be fixed upon the persons concerned for irregularities, if any, which this enquiry may reveal.

The Governor, Himachal Pradesh, having regard to the nature of enquiry to be made and keeping in view the other circumstances of the present case has decided that the provisions of sub-section (2), (4) and (5) of section 5 of the Commission of Enquiry Act, 1952, should be made applicable to the Commission and hereby directs that the said provisions shall apply to the Commission accordingly from the date of the issue of this notification.

By order,  
H. S. DUBEY,  
Secretary.

## ANIMAL HUSBANDRY DEPARTMENT NOTIFICATION

*Simla-2, the 16th June, 1972*

No. 12-10/70-AH(Seect). —The Governor, Himachal Pradesh is pleased to re-constitute Valuation Committees for determining and fixing the purchase and Sale price of milk under the 'Composite Milk Supply Scheme, Mandi' and 'Nahan Town Milk Supply Scheme, Nahan' consisting of the following official and non-official members:—

### MANDI DISTRICT

- |   |                  |
|---|------------------|
| 1. Deputy Commissioner, Mandi   | Chairman         |
| 2. Deputy Director, Animal Husbandry, Mandi   | Member           |
| 3. District Animal Husbandry Officer, Mandi   | Member           |
| 4. Senior Dairy Inspector   | Member-Secretary |
| 5. Shri Gopi Ram, Ex-M.L.A.   | Member           |
| 6. Subedar Narain Dass, President, Co-op. Society Sadhani, Village Sidhiana, District Mandi | Member           |

## SIRMUR DISTRICT

- |  |                   |
|--|-------------------|
| 1. Deputy Commissioner, Sirmur   | Chairman          |
| 2. Dairy Development Officer, Nahan                                    | Member            |
| 3. District Animal Husbandry Officer, Nahan                            | Member            |
| 4. Senior Dairy Inspector, Nahan                                       | Member-Secretary. |
| 5. Shri Sunder Singh, Village Vikram Bag, Nahan                        | Member            |
| 6. Shri J. S. Parmar, Village Charparti, P.O. Bagthan, District Sirmur | Member.           |

2. The travelling and daily allowance to the official and non-official members will be given as per annexure "A" enclosed.

### ANNEXURE 'A'

(1) Non-officials will be entitled to one 1st class Railway fare plus incidental allowance or road mileage as admissible to a 1st grade Government employee drawing a pay of Rs. 1,000 depending on the mode by which they travel and D.A. at 11.25/13.50 in hills tracts ordinary/special hill tracts. The other conditions laid down in the T.A. Rules for Government employees will also apply to journeys performed by non-official members except where otherwise provided.

(2) The Travelling Allowance for attending the meeting of the Committee should be allowed to the members from their permanent place of residence to the place of meeting. If, however, a member attends a meeting from a place other than the place of his permanent residences, T.A. should be allowed to him either from the place of his residence or from where he attends the meeting whichever is less.

(3) The T.A. and D.A. will be admissible to the non-official members on the production of a certificate to the effect that no T.A. in respect of the journey or D.A. for the period mentioned in the bill has been or will be claimed by him/her from any other official source.

By order,  
H. S. DUBEY,  
Secretary.

## FOREST DEPARTMENT NOTIFICATION

Simla-2, the 15th June, 1972

No. 7-4/71-SF.—In exercise of the powers vested in him under section 27 of the Indian Forest Act (Act XVI

of 1927) the Governor, Himachal Pradesh is pleased to direct that as a consequence of the exchange of land sanctioned vide U.O. No. 9-22/72-Rev. A, dated the 6th March, 1972, the portion of compartment No. 3 Phagoo RF. comprised in Khasra No. 646/1, measuring 11 bighas 11 biswas shall cease to be a reserved forest with effect from the date of issue of this notification.

P. K. MATTOO,  
Secretary.

## HOME DEPARTMENT NOTIFICATION

Simla-2, the 12th June, 1972

No. 1-2/72-Home.—The Governor of Himachal Pradesh is pleased to Constitute Special Tribunal under section 7 of Defence of India Act, 1971, consisting of the following:—

- (1) Mr. Justice Chet Ram Thakur Judge, Chairman, Himachal Pradesh High Court.
- (2) Shri Ram Pal Singh, District and Session Judge, Kangra. Member.
- (3) Shri S. M. Kanwar, Deputy Commissioner, Mandi. Member.

The above Tribunal shall try offences (a) under any rule made under section 3; or (b) punishable with death or imprisonment for life or imprisonment for a term which may extend to ten years under section 5 of the aforesaid Act or under sub-section (4) of section 5 of the Official Secrets Act, 1923, as amended by section 6 of this Defence of India Act, 1971.

By order,  
K. N. CHANNA,  
Chief Secretary.

## VIDHAN SABHA SECRETARIAT NOTIFICATION

Simla-4, the 17th June, 1972

No. 1-27/72-VS.—The following order by the Governor, dated the 17th June, 1972, is published for general information:—

"In exercise of the powers conferred upon me by sub-clause (a) of clause (2) of Article 174 of the Constitution, I hereby prorogue the Himachal Pradesh Legislative Assembly.

S. CHAKRAVARTI,  
Governor".  
Secretary,

Himachal Pradesh Vidhan Sabha.

## भाग 2—बैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

## HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATION

Simla-4, the 15th June, 1972.

No. 2-10/69-Med. II.—In supersession of notification No. 2-10/69-Med. II, dated the 1st June, 1972 and in partial modification of notification No. M.19-156/55-II, dated the 17th September, 1958 and notification No. M.19-520/57, dated the 23rd June, 1959 and in exercise of the powers vested in me under Rule 3 (iii) of the Himachal Pradesh Prevention of Food Adulteration Rules, 1958 and all other powers enabling me in this behalf, I, Dr. Krishan Swaroop, Director of Health Services-cum-Food (Health) Authority, Himachal Pradesh, order that Sanitary Inspector, Bilaspur, Tehsil, District Bilaspur, Himachal Pradesh, shall cease to exercise powers as Food Inspector with immediate effect and the Medical Officer of Health,

Bilaspur, shall function as Food Inspector within the limits of Bilaspur district.

By order,  
KRISHAN SWAROOP,  
Director.

## PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Dharamsala, the 9th June, 1972

No. SEV-R-PLP-17/69-I.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by Government at public expense for a public purpose, namely for construction of Ghuggar-Tanda Road in Tehsil Palampur, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of

section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the Land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Kangra.

#### SPECIFICATION

District: KANGRA

Tehsil: PALAMPUR

Village 1	Khasra No. 2	Area K. Ml. 3 4	
		3	4
GHUGGAR KHAS	1602/1	2	8
	Total	2	8
GHUGGAR TIKA	174/1	0	1
TANDA.	175/1	0	1
	171/1	0	3
	241/1	0	7
	533/170/1	0	0
	532/170/1	0	1
	133/1	0	0
	132/1	0	1
	131/1	0	2
	130/1	0	1
	129/1	0	4
	128/1	0	4
	142/1	0	4
	112/1	0	1
	113	0	3
	114	0	5
	110/1	0	1
	109/1	0	2
	105/1	0	2
	104/1	0	4
	103/1	0	1
	607/147/1	0	2
	606/147/1	0	4
	148/1	0	1
	149/1	0	8
	618/150/1	0	2
	567/524/1	0	0
	533/170/1	0	0
	54/1/1	0	4
	492/55/1	0	1
	491/55/1	0	2
	60/1	0	5
	61/1	0	3
	99/1	0	12
	100/1	0	0
	101/1	0	3
	94/1	0	5
	86/1	0	1
	118/1	0	3
	577/566/557/1	0	0
	119/1	0	2
	120/1	0	2
	122/1	0	0
	123/1	0	8
	124/1	0	7
	126/1	0	2
	252/1	0	3
	251/1	0	1
	250/1	0	1
	249/1	0	1
	247/1	0	2
	246/1	0	1
	243/1	0	1
	240/1	0	10

1	2	3	4
	571/281/1	0	0
	572/281/1	0	0
	239/1	0	8
	238/1	0	1
	235/1	0	0
	127	0	3
	242	0	0
	572/281/1	0	4
	39/1	0	2
Total		9	3
Grand total		11	11

R. K. SARKAR,  
Superintending Engineer, 5th Circle,  
H.P.P.W.D., Dharamsala.

Simla-3, the 10th June, 1972

No. SE. II. B-69-PWD-4(A)-5020-24.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Government Colony Kamrou, (Construction of Sectional officer at Kamrou. It is hereby notified that land in the locality described in below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition Kinnaur district, Kalpa.

#### SPECIFICATION

District: KINNAUR

Tehsil: SANGLA

Village 1	Khasra No. 2	Area Big. Bis. 3 4	
		3	4
KAMROO	110/1	2	2

M. L. BANSAL,  
Superintending Engineer,  
2nd Circle, H.P.P.W.D., Simla-3.

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be taken by the Himachal Pradesh Government at the public expense for a public purpose\* It is hereby notified that land in the locality described below is likely to be acquired for the said\* purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file

an objection in writing before the Collector, Land Acquisition, U.S. Club, Simla-1.  
No. SE.IV.-7(R)100/69-10384-87 Simla, the 13th June, 1972  
\*Widening of Motor-Road Round Simla  
SPECIFICATION

District: SIMLA Tehsil: SIMLA

Village	Khasra No.	Area in S.yd. Sq.ft.	Remarks
BAZAR WARD	6	1620	Area falling
SANJAULI	3	2766	within 75 ft.
	8	2700	on both
	9	1288	sides of the
	10	464	motor road
	1	25	round Simla.
	2	8000	
	12	400	
	4	1104	
	7	600	
	11	538	

Total .. 19505

No. SE. IV. 7(R) 100/69-10376-79 Simla, the 13th June, 1972  
SPECIFICATION

District: SIMLA Tehsil: SIMLA

Village	Khasra No.	Area Big. Bis.	Remarks
1.	2	3	4
5			
SANJAULI (HP).	248	1	1 Area falling
	256	0	4 within 75ft.
	254	1	0 on both si-
	255	0	2 des of the
	250/1	0	4 M. R. R.
	250/2	0	10 Simla.
	558/251	0	1
	252	0	8
	557/251	0	3
	253	0	10
	244	0	4
	244	0	10
	242	0	10
	248	1	10
	235	0	2
	236	0	0
	237	0	0
	238	0	8
	239	0	1
	240	0	2
	241	0	13
	245	0	15
	247	1	17
	204	1	0
	249	0	5
	375	0	2
	374	0	2
	259	0	1
	373	0	4
	215	0	10
	216	0	10
	221	1	0
	231	0	1
	208	1	0
	213	0	4
	234	0	10

Total .. 18 2

No. SE IV.7(R)100/69-10380-83 Simla, the 13th June, 1972  
SANJAULI(Pb.) 1 0 10 Area falling  
4 0 2 within 75 ft.

1	2	3	4	5
	5	0	4	on both
	6	2	7	sides of the
	7	20	0	M. R. R.
	10	16	0	Simla.
	11	1	0	
	14	0	4	
	15	0	13	
	16	1	0	
	17	0	4	
	12	1	0	
	13	0	10	
	3	0	15	
	8	5	9	
	9	0	1	
	Total ..	49	19	

No. SE. IV.7(R)100/69-10362-65.

Simla, the 13th June, 1972

\*Construction of Motorable road from Khalini to Kasumpti  
SPECIFICATION

District: MAHASU Tehsil: KASUMPTI

Village	Khasra No.	Area Big. Bis.
PATTI REHANA	2064/284 min	8 0
TARA CHAND, Superintending Engineer, 4th Circle, H.P.P.W.D., Simla-1		

उद्योग विभाग

अधिसूचनायें

फार्म "ज"

पंजाब राज्य उद्योग सहायता अधिनियम, 1935 की धारा 24 के अधीन घोषणा

कुल्लू, 31 मई, 1972

संख्या एल.541/70.—जबकि पंजाब राज्य उद्योग सहायता अधिनियम, 1935 की धारा 23 के अधीन 15-6-1971 को नोटिस दिया गया था, जिस में उक्त श्री चतर कुमार, s/o Shri Chandar mani, r/o Prem Cali, District Mandi, Himachal Pradesh को 2,000 रुपये की राशि 8 प्रतिशत वार्षिक व्याज दर सहित 12-8-1970 से अन्तिम अदायगी की तिथि तक मुझे अदा करने के लिए कहा गया था, और चूंकि समस्त उक्त राशि अदा नहीं की गई है, इस लिये मैं घोषणा करता हूं कि 2,000 रुपये की राशि 12-8-1970 से अन्तिम अदायगी की तिथि तक 8 प्रतिशत वार्षिक व्याज दर सहित उक्त श्री चतर कुमार से देय है और संलग्न अनुसूची में निदिष्ट सम्पत्ति से उक्त कर्जे की पूर्ति की जा सकती है।

#### SCHEDULE OF RECOVERY

1. Shri Sukh Ram s/o Shri Sur Dass, r/o Dhalpur, Kulu House, Rs. 50,000.
2. Shri Milap Chand s/o Shri Barhamanand, r/o Dhalpur, Kulu House, Rs. 20,000.

Sd/-

Assistant District Industries Officer, Kulu.

फार्म 'ज'

पंजाब राज्य उद्योग सहायता अधिनियम, 1935 की धारा 24 के अधीन घोषणा

कुल्लू, 31 मई, 1972

संख्या एल0 530/70-1574-75.—जबकि पंजाब राज्य उद्योग सहायता अधिनियम, 1935 की धारा 23 के अधीन 8-7-1971 को नोटिस दिया गया था, जिस में उक्त श्री मस्त राम s/o Chuhru Ram, caste Koli, r/o Jharar Kothi, Kot Kandi, P. O.

Bhuntar, Kulu. को 2,000 रुपये की राशि 5-1/2 प्रतिशत वार्षिक ब्याज दर सहित 12-6-70 से अन्तिम अदायगी की तिथि तक मुझे अदा करने के लिये कहा गया था, और चूंकि समस्त उक्त राशि अदा नहीं की गई है, इस लिये मैं घोषणा करता हूँ कि 2,000 रुपये की राशि 12-6-1970 से अन्तिम अदायगी की तिथि तक 5-1/2 प्रतिशत वार्षिक ब्याज दर सहित उक्त श्री मस्त राम से देय है और संलग्न अनुसूची में निर्दिष्ट सम्पत्ति से उक्त कर्ज की पूर्ति की जा सकती है।

#### SCHEDULE OF RECOVERY

Shri Keshu s/o Shri Binu r/o Sarwari, Kulu House and land in the Municipal Area.

2. Shri Nathu Ram, s/o Shri Ruldu r/o Dhalpur, Kulu House and land in the Municipal Area.

Sd/-

Assistant District Industries Officer,  
Kulu.

फार्म 'ज'

पंजाब राज्य उद्योग सहायता अधिनियम, 1935 की धारा 24 के अधीन घोषणा।

कुलू, 1 जून, 1972

संख्या एल.534/70-1585.—जबकि पंजाब राज्य उद्योग सहायता

अधिनियम, 1935 की धारा 23 के अधीन 11-7-1969 को नोटिस दिया गया था, जिस में उक्त श्री केदार नाथ s/o Shri Dulo Ram Inner Akhara Bazar, Kulu को 1,500 रुपये राशि 5-1/2 प्रतिशत वार्षिक ब्याज दर सहित 11-7-1970 से अन्तिम अदायगी की तिथि तक मुझे अदा करने के लिये कहा गया था, और चूंकि समस्त उक्त राशि अदा नहीं की गई, इस लिये मैं घोषणा करता हूँ कि 2,000 रुपये की राशि 11-7-1970 से अन्तिम अदायगी की तिथि तक 5-1/2 प्रतिशत वार्षिक ब्याज दर सहित उक्त श्री केदार नाथ से देय है और संलग्न अनुसूची में निर्दिष्ट सम्पत्ति से उक्त कर्ज की पूर्ति की जा सकती है।

#### SCHEDULE OF RECOVERY

1. Shri Des Raj Awasthi s/o Shri Late Dulo Ram r/o A.B. Kulu (Residential house situated in A.B. Kulu.

2. Shri Krishan Lal, Sud s/o Shri Sohan Lal Sud, r/o A.B. Kulu, Residential house situated in Inner Akhara Bazar, Kulu.

Sd/-

Assistant District Industries Officer,  
Kulu.

**भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि**

#### FOREST DEPARTMENT

##### NOTIFICATION

Simla-2, the 15th June, 1972

No. 3-191/69-SF.—In exercise of the powers vested in him under section 75 of Himachal Pradesh Private Forest Act, 1955 (6 of 1955) the Governor, Himachal Pradesh proposes to make the following amendments to the Himachal Pradesh Private Forest Rules, 1969, issued vide Himachal Pradesh Government notification No. Ft. 12-114/58 (M), dated the 28th October, 1969, which are hereby published in the Official Gazette for the information of the persons likely to be affected and these will be taken into consideration after 30 days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objection, or has any suggestion to make, regarding these amendments in the draft rules, he can send the same to the Secretary (Forest) to the Himachal Pradesh Government, Simla-2 before the expiry of the above period. The objection or suggestion, if any, so received, will be taken into consideration before making such amendments.

#### AMENDMENTS

- (i) In rule 11(1) for Coma occurring after the word "Law" shall be substituted with word "or";
- (ii) In rule 12 for the words "Provincial Government" the words "State Government" shall be substituted;
- (iii) In rule 25(3) for the words "under rules approved by the territorial Conservator of Forests" the words "under executive directions issued by the territorial Conservators of Forests from time to time" shall be substituted;
- (iv) In rule 27(1) the words "any instructions issued in this behalf by the Forest Officer shall be deemed to be the rules issued by the State Government under this clause" shall be deleted.
- (v) In rule 29(4)(ii) for the full stop occurring at the end, the following words and full-stop shall be substituted, namely:—  
"or if an appeal has been preferred after it has been finally decided."

By order,  
P. K. MATTOO,  
Secretary.

**भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग**

#### PANCHAYATI RAJ DEPARTMENT . NOTIFICATION

Simla-4, the 1st June, 1972

No. 28-1/69-Panch.—In exercise of the powers conferred on him by sections 4 and 5 of the Himachal Pradesh Panchayati Raj Act, 1968 and in supersession to previous notification No. 7-1/69-Pnt. Sectt. dated the 29th July, 1971, issued from the Community Development and Panchayati Raj Department, the Governor, Himachal Pradesh is pleased to re-organise and establish the following Gram Sabha circles in District Kangra with the territorial jurisdiction given against each;

\* This re-organisation of Gram Sabha circles referred to in the notification shall come into force on such date as the Government may, by notification, appoint.

Sl. No.	Name of existing Gram Sabha	Names of villages included in existing Gram Sabha	Name of new Gram Sabha	Names of villages included in new formed Panchayat	Remarks
1	2	3	4	5	6
<b>AMB BLOCK</b>					
1.	Lohara	1. Lohara 2. Bhagra 3. Jajjar 4. Aghar	1. Bhagra	1. Bhagra 2. Jajjar 3. Aghar	
2.	-do-	-do-	2. Lohara	2. Lohara	
<b>BHAWARNA BLOCK</b>					
1.	Nanaun	1. Kural Raipur 2. Nanaun 3. Mat (Nanaun) 4. Pat (Nanaun) 5. Rarota 6. Mandap 7. Rara 8. Bheri 9. Koral 10. Rakkar (Nanaun)	1. Nanaun with Head-quarters at Nanaun. 2. Koral with Head-quarters at Koral.	1. Nanaun. 2. Pat (Nanaun) 3. Kural Raipur. 4. Mat (Nanaun). 5. Rarota. 6. Mandap. 7. Rara. 8. Behri. 9. Koral. 10. Rakkar (Nanaun)	
<b>PANCHRUKHI BLOCK</b>					
1.	Arth	1. Arth Upperli 2. Arth Jhikli 3. Dharot 4. Brahm Theru 5. Gadiara (Lahla) 6. Ghisanpat	1. Arth	1. Arth Jhikli 2. Arth Upperli 3. Gharthun 4. Dharot 5. Brahm Theru 6. Ghisanpat 7. Ri.	Village Ghisanpat and Ri, excluded from Gram Sabha Lahla.
2.	Darati	1. Darati 2. Asanpat 3. Lambapat 4. Charmarkar (Lahla) 5. Mathrihi 6. Mathreher.	2. Darati	1. Darati 2. Lambapat 3. Asanpat 4. Gadiara (Lahla)	Village Gadiara excluded from Gram Sabha Arth.
3.	Lahla	1. Lahla Khas 2. Gharthun 3. Padra 4. Hangoh 5. Ri	Lahla	1. Lahla Khas 2. Padra 3. Hangoh 4. Charmarkar (Lahla) 5. Mathrihi 6. Mathreher.	Villages Charmarkar, Mathrihi and Mathreher excluded from Gram Sabha Darati.

Sd/-  
Deputy Secretary.

### भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

#### INDUSTRIES DEPARTMENT (GEOLOGICAL CELL) AUCTION NOTICE

Simla-5, the 15th June, 1972

No. 5-72/70-Ind.(GLG).—The following slate quarries of Mandi district will be sold by public auction in the office of the District Industries Officer, Mandi on 31st July, 1972 at 11.00 A.M.:

Period of auction—Three years.

Sl. No.	Name of the quarry	Pargana	Village
1	2	3	4
<b>Tehsil: SADAR</b>			
1.	Brahal	Sewa Badar	Banaul
2.	Salgi	Salgi	Salgi
3.	Bari	Sewa	Bari

1	2	3	4
4.	Khablash	Cihublu	Khablas
5.	Deod	Sewa Badar	Deod/Haton
6.	Khoti-na (A,B,C and D)	-do-	Bhabnas
<b>Tehsil: CHACHIOT</b>			
7.	Newphagudhar	Shehnu	
<b>Tehsil: SUNDERNAGAR</b>			
8.	Chaluna		
9.	Namana		
10.	Panjog		
11.	Matyogi		
<b>Tehsil: SADAR</b>			
12.	Brahail	Sewa Badar	Nanoaul
13.	Salgi	Salgi	Salgi
14.	Bari (New)	Sewa Badar	Bari

1	2	3	4
15.	Khablas	Chublu	Khablas.
16.	Deod-A	Sewa Badar	Hatoun.
17.	Deod-B	-do-	-do-
18.	Deod-C	-do-	-do-
19.	Kothinal	-do-	Bhawas
20.	Sewa Dhug	-do-	Sewa
21.	Bhawas-A	-do-	Bhawas.
<i>Tehsil: CHACHIOT</i>			
22.	Bauhala	Jarole	Kaunti.
23.	Kanout	—	Halin.
<i>Tehsil: SADAR</i>			
24.	Mehain	Sewabadar	Mehain.
<i>Tehsil: CHACHIOT</i>			
25.	Kolti Nallah	Mangarh	Jal.
26.	Sehnu-A	Ghatihad	Sehni.
27.	Tal-Talla	-do-	Parli-kreri.
28.	Pandli	-do-	Pandli.
<i>Tehsil: SADAR</i>			
29.	Hanogi-A	Jawalapur	Hanogi
30.	Bhawas-B	Bador	
31.	Hanogi-B	Jawalapur	Hanogi.
<i>Tehsil: CHACHIOT</i>			
32.	Sehnu-B	Ghatihad	Sikour.
<i>Tehsil: SADAR</i>			
33.	New Kaffi	Kamand	Khani.
34.	Hanogi-C	Jawalapur	Hanogi
35.	Thata Dhug (A and B)	Thata	Thata.
36.	Bindla	Sewa Badar	
37.	Deod D.E.G. and H.	-do-	Deod/Haton.
38.	Chhatnu-nal	—	-do-
<i>Tehsil: CHACHIOT</i>			
39.	Koltu-ri-khan (near old Slate Quarry kutandi)	—	—
40.	New Slate quarry Duganal.	—	—
<i>Tehsil: SADAR</i>			
41.	New Slate quar- ry Survey-Dhug	—	—
42.	Khalanal (Dawn, stream old slate quarry Bhagudur).	—	—
43.	Dari	—	—
44.	Kathi-nal	—	—

The auction is being made on the following terms and conditions:—

- The terms and conditions of the sale will be announced on the spot.
- The bid shall be per annum.
- Any person intending to bid shall deposit Rs. 100 with the Presiding Officer in advance as earnest money.
- Bidders can inspect the quarries before bidding in their own interest.
- The Presiding Officer reserves the right to group the quarries without assigning any reason.
- Other information and details of the area (with maps etc.) can be obtained from the District Industries Officer, Mandi.
- On completion of the auction the result shall be announced and the provisionally selected bidders shall immediately deposit 25% of the amount of the bid for one year as security for execution of the lease deed and due observance of its terms and conditions and an equal amount

- as first instalment of royalty where the bids exceed Rs. 1000 per annum and full amount of the bid per annum in case the bids are upto Rs. 1000 per annum. The bid shall not be treated as accepted unless confirmed by the State Government or such other authority who may be authorised by the State Government to grant the contract.
- (viii) The period of contract for all the quarries shall be three years from the date of grant of the contract.
- (ix) The Government reserves the right to accept or reject the highest bid without assigning any reason.
- (x) The Government reserves the right to reduce or enhance the period of contract.
- (xi) The auction is being made subject to the provisions contained in the Himachal Pradesh Minor Mineral (Concession) Revised Rules, 1971.

GIAN CHAND,  
Geologist (Jr.),  
for Director of Industries, Himachal Pradesh.

### OFFICE OF THE MINING OFFICER, SIRMUR DISTRICT, NAHAN AUCTION NOTICE

Nahan, the 19th June, 1972

No. Ind. SMR(Minerals)54/72-73/1679-84.—The following quarries for the extraction of Sand, Bajri, Boulders and Gold Sand Panning in Sirmur, district will be sold by public auction in the Office of the Mining Officer, Sirmur district, Nahan on the 19th July, 1972 at 11.00 A.M.

#### DETAIL OF QUARRIES

Period of auction—From the date of acceptance by Government and taking possession of the quarry upto 11th October, 1973.

Sl. No.	Name of quarry	Village and area
1	2	3
<i>Tehsil: PAONTA</i>		
1.	Paonta quarry	Right bank of river Yamuna from the point of the confluence of Giri and Yummuna upto points of confluence of Bata and Yummuna.
<i>Tehsil: NAHAN</i>		
2.	Patwas Quarry	From village Rukhri to confluence with Markanda.
3.	Toka Quarry	Ruin Naddi from village Papri upto Himachal Territory (village Meerpur Kotla).
<i>Tehsil: PAONTA</i>		
4.	Batamandi Quarry	Right bank of river Yamuna from the confluence of Yummuna with Bata upto Himachal Territory.
<i>Tehsil: PACHHAD</i>		
5.	Kheri Quarry	Right and left banks of river Giri 5 km. up stream and 5 km. down stream of proposed Giri bridge site at Kheri.
6.	Giri Quarry	Right and left banks of river Giri 5 km. up

1	2	3
		stream and 5 km. down stream of Giri bridge at Yashwant Nagar on Sarahan-Solan-Rajgarh Road.

Tehsil: NAHAN/PAONTA

7. Gold Sand Panning All river beds in Paonta and Quarry. Nahan tehsils.

Note.—The auction is being made on the following conditions:—

1. The terms and conditions of the sale will be announced on the spot.
2. The bid shall be per annum.
3. The period of auction for these quarries will from the rate of acceptance by the Government and taking possession of the quarries thereof up to 11th October 1973. The Government reserves the right to reduce or enhance the period of contract.
4. Any person intending to bid shall deposit Rupees one hundred with the Presiding Officer in advance as earnest money.
5. Bidders should inspect the quarry before bidding in their own interest.
6. On completion of the auction the result shall be announced and the provisionally selected bidders shall immediately deposit 25% of the amount of bid for one year as security for execution of the lease deed and due observance of its terms and conditions and an equal amount as first instalment of royalty. The bid shall not be treated as accepted unless confirmed by the State Government or such other authority who may be authorised by the State Government to grant the lease.
7. The Presiding Officer reserves the right to group the quarries without assigning any reason.
8. The other information and details of the area may be obtained from the Mining Officer, Nahan.
9. The Government reserves the right to accept or reject the highest bid without assigning any reason.
10. The auction is being made subject to the provision contained in the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.
11. The provisionally selected bidder will have to obtain mining permit for the said quarry for the extraction of minor minerals for the period i.e. from the date of auction till the date of sanction conveyed by the Government and taking over the possession thereof, after paying due amount of royalty and fee etc.
12. As regard of Batamandi Quarry, the provisional highest bid will be treated as rejected in case the mining lease case of M/s Farm Fresh Food Pvt. Ltd., Batamandi is finalised by the Government before handing over the possession of the quarry.

S. K. AGNIHOTRI,  
Mining Officer.

In the court of Shri A.L. Vaidya, Senior Sub-Judge,  
Kangra at Dharamsala

CIVIL SUIT No. 40 OF 1970

Shri Santu

Plaintiff

Versus

1. Salig Ram 2. Khushi Ram, sons of Rupa Ram  
3. Kamal Kishore son of Shri Jagdish, residents of village Bassa, Tehsil Dehra, District Kangra

Defendants.

In the above noted civil suit the plaintiff has filed a suit for possession by pre-emption of land in this court. In this behalf notices were issued on the above defendants several times, but the defendants are

evading the service of summons, hence proclamation under order 5, rule 20 C.P.C. is hereby issued against the defendants that they should attend this court on 10th July, 1972 at 10 A.M. personally or through some authorised agent or pleader, failing which *ex-parte* proceedings will be taken against them.

Given under my hand and the seal of the court, to-day the 15th June, 1972.

A. L. VAIDYA,  
Senior Sub-Judge.

In the Court of Senior Sub-Judge, Kangra at Dharamsala  
CIVIL SUIT NO. 207 OF 1970

Shri Milkhi Ram

Plaintiff.

Versus

Kesari Dass, Kamla Devi, Kanta Devi daughters of Shri Bhag Singh son of Shri Hira Singh, Kultar Singh son of Shri Dharam Singh son of Shri Bhag Singh, Shri Onkar Chand son of Shri Natha Singh son of Shri Hira Singh Ajit Singh son of Shri Roshan Singh son of Shri Hira Singh, resident of village Sawana, Tehsil Dehara, District Kangra

Defendants.

Whereas the plaintiff has filed an suit for specific performance in this court against the defendants. In this behalf notices have been issued against the defendants several times, but they are evading the service or have concealed themselves. It has been proved to the satisfaction of this court that the above defendants cannot be served through ordinary way, hence this proclamation under order 5, rule 20 is issued against them that they should appear in this court personally or through some authorised agent or pleader on the 28th June, 1972 at 10 A.M. failing which *ex-parte* proceedings will be taken against them.

Given under my hand and the seal of the court, today the 14th June, 1972.

A. L. VAIDYA,  
Senior Sub-Judge.

In the Court of Senior Sub-Judge, Kangra at Dharamsala  
CIVIL SUIT NO. 192 OF 1969

Suba

Plaintiff.

Versus

Tulsi Ram son of Kharku Ram, son of Shri Kahan, Rajput, of Chamar Palru, dakhli Lambagaon. Thesil Palampur, District Kangra

Defendant.

Whereas the plaintiff has filed a suit for possession by pre-emption in this court against the defendants. In this behalf notices have been issued against the defendants several times, but he is evading the service or has concealed himself. It has been proved to the satisfaction of this court that the above defendant cannot be served through ordinary way, hence this proclamation under order 5, rule 20 is issued against him that he should appear in this court personally or through some authorised agent or pleader on the 18th July, 1972 at 10 A.M. failing which the *ex-parte* proceedings will be taken against him.

Given under my hand and the seal of the court, today the 14th June, 1972.

A. L. VAIDYA,  
Senior Sub-Judge.

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.

In the Court of Shri Surendra Prakash. M.A., LL.B.  
Senior Sub-Judge, Mahasu and Kinnaur districts,  
'Kellston' Simla-1.

Shri Mania Ram s/o Shri Ghungru, resident of village

Chakroo, Pargana Matianj, Tehsil Arki, District Mahasu  
Plaintiff.

*Versus*

Shri Durga Singh s/o Shri Sohan Singh, Caste Rajput,  
resident of village Ser Jareen, Pargana Matianj, Tehsil  
Arki, District Mahasu Defendant.

CASE NO. 100/1 OF 1972

SUIT FOR RECOVERY OF RS. 600/-

Whereas in the above noted case it has been proved to the satisfaction of the Court that the above named Shri Durga Singh defendant is evading service of summons and cannot be served in the ordinary way. Hence this proclamation is hereby issued against him to appear in this Court on 29th June, 1972 at 10 A.M. to defend the case personally or through an authorised agent or pleader, failing which *ex-parte* proceedings shall be taken against him.

Given under my hand and the seal of the Court this  
8th day of June, 1972.

SURENDRA PRAKASH,  
Senior Sub-Judge.

STATE BANK OF PATIALA  
NOTICE

Patiala, the 1st June, 1972

SBOP No. 76.—The following transfers and charges in the posting of Bank's Supervising Staff are hereby notified:—

- (1) Shri Tarlochan Singh, Officer Grade I held charge of Palampur Branch as from the close of business on 29th March, 1972 to the commencement of business on 17th May, 1972.
- (2) Shri B. R. Singla, Officer Grade I held charge of Solan Branch as from the 2nd May, 1972 to 20th May, 1972.

S. D. GANDA,  
General Manager.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

(देखिये पृष्ठ 603 से 632 तक)

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं  
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

## PART VI

### LAW DEPARTMENT

#### NOTIFICATION

Simla-2, the 17th February, 1972

- No. 12-11/71-LR.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section I, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—
1. The Small Coins (Offences) Act, 1971 (52 of 1971),
  2. The Forward Contracts (Regulation) Amendment Act, 1971 (53 of 1971).
  3. The Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 (54 of 1971).
  4. The Arms (Amendment) Act, 1971 (55 of 1971).
  5. The Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 (56 of 1971).
  6. The Visva-Bharati (Amendment) Act, 1971 (57 of 1971).
  7. The Naval and Aircraft Prize Act, 1971 (59 of 1971).
  8. The Companies (Surcharge on Income-Tax) Act, 1971 (62 of 1971).
  9. The Jayanti Shipping Company (Acquisition of Shares) Act, 1971 (63 of 1971).
  10. The Coking Coal Mines (Emergency Provisions) Act, 1971 (64 of 1971).
  11. The Asian Refractories Limited (Acquisition of Undertaking) Act, 1971 (65 of 1971).

JOSEPH DINA NATH,  
Under Secretary, (Judicial).

Assented to on 11-12-1971

### THE SMALL COINS (OFFENCES) ACT, 1971

ACT No. 52 OF 1971

AN  
ACT

to provide for the prevention of meeting or destruction of small coins, hoarding of small coins for the purpose of meeting or destruction thereof, and for matters connected therewith or incidental thereto.

WHEREAS an acute shortage of small coins has been felt in the country and it is necessary, in the interest of the general public, to take steps to relieve such shortage;

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and duration.*—(1) This Act may be called the Small Coins (Offences) Act, 1971.

(2) It shall remain in force for a period of three years.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "mint" means a mint of the Government of India;
- (b) "small coin" means any coin of the value of less than one rupee, which is legal tender under the Indian Coinage Act, 1906 (3 of 1906).

3. *Prohibition on meeting or destruction of small coins.*—(1) No person shall—

- (a) melt or destroy any small coin, or

(b) have in his possession, custody or control—

- (i) any melted coin, whether in the molten state or in a solid state, or
- (ii) any small coin in a destroyed or mutilated state, or
- (iii) small coins substantially in excess of his reasonable requirements in such circumstances as to indicate that he is having the possession, custody or control of such small coins for the purpose of melting or destroying such small coins.

*Explanation.*—For the purpose of determining the reasonable requirements of small coins of person, due regard shall be had to—

- (i) his total daily requirements of small coins.
- (ii) the nature of his business; occupation or profession,
- (iii) the mode of his acquisition of small coins, and
- (iv) the manner in which, and the place at which, such small coins are being possessed, held or controlled by him.

(2) Whoever is found to be in the possession of any metal, which contain alloys in the same proportions in which they have been used in the manufacture of any small coin, shall be presumed, until the contrary is proved, to have contravened the provisions of sub-section (1).

(3) Nothing contained in sub-section (1) or sub-section (2) shall apply to the mint.

4. *Penalty for contravention of section 3.*—Whoever contravenes any provision of sub-section (1) of section 3 without any reasonable excuse, the burden of proving of which shall lie on such person, shall be punishable with imprisonment for a term of not less than three months but not more than five years.

5. *Offences by companies.*—(1) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding any thing contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm, society or other association of individuals; and

(b) "director",—

(i) in relation to a firm, means a partner in the firm,

(ii) in relation to a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association as the case may be.

6. *Offences to be cognizable, bailable and not compoundable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), offences against this Act shall be cognizable and bailable but shall not be compoundable.

7. *Offences may be tried summarily.*—Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898 (5 of 1898) offences against this Act may be tried summarily by a Presidency Magistrate or a Magistrate of the first class.

8. *Forfeiture.*—Any small coin or metal in relation to which any offence against this Act has been committed shall be forfeited to Government.

9. *Provisions of Act 20 of 1958 not to apply to offences under this Act.* Nothing in the Probation of Offenders Act, 1958, shall apply to any offence against this Act.

10. *Repeal.*—The Small Coins (Offences) Ordinance, 1971 (15 of 1971), is hereby repealed.

Assented to on 11-12-1971

## THE FORWARD CONTRACTS (REGULATION) AMENDMENT ACT, 1971

ACT No. 53 OF 1971

AN

ACT

*further to amend the Forward Contracts (Regulation) Act, 1952.*

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Forward Contracts (Regulation) Amendment Act, 1971.

(2) It shall be deemed to have come into force on the 11th day of October, 1971.

2. *Amendment of section 2.*—In section 2 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) (hereinafter referred to as the principal Act),—

(a) in clause (c), the words “at a future date” shall be omitted;

(b) to clause (i), the following proviso and *Explanation* shall be added, namely:—

‘Provided that where any such contract is performed either wholly or in part,—

(1) by tendering of the documents of title to the goods covered by the contract by any party thereto (not being a commission agent or a bank) who has acquired ownership of the said documents by purchase, exchange or otherwise, to any other person (including a commission agent but not including a bank); or

(2) by the realisation of any sum of money, being the difference between the contract rate and the settlement rate or clearing rate or the rate of any offsetting contract; or

(3) by any other means whatsoever,

and as a result of which the actual tendering of the goods covered by the contract or the payment of the full price therefor is dispensed with, then, such contract shall not be deemed to be a ready delivery contract.

*Explanation.*—For the purposes of this clause,—

(i) “bank” includes any banking company as defined in the Banking Regulation Act, 1949 (10 of 1949), a co-operative bank as defined in the Reserve Bank of India Act, 1934 (2 of 1934) the State Bank of India and any of its subsidiaries and any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);

(ii) “commission agent” means a person who, in the ordinary course of business, makes contract for the sale or purchase of goods for others for a remuneration (whether known as commission or otherwise) which is determined in the contract itself or determinable from the terms of the contract, in either case, only with reference to the quantity of goods or to the price therefor as stipulated in the contract.’

3. *Repeal and saving.*—(1) The Forward Contracts (Regulation) Amendment Ordinance, 1971 (11 of 1971) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Assented to on 11-12-1971

## THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT AND VALIDATION ACT, 1971

ACT No. 54 OF 1971

AN

ACT

*further to amend the Coal Bearing Areas (Acquisition and Development) Act 1957, and to validate certain acquisitions of land or rights in or over land under the said Act.*  
Be it enacted by Parliament in the Twenty-second Year of the republic of India as follows:—

1. *Short title.*—This Act may be called the Coal Bearing Area Acquisition and Development) Amendment and Validation Act, 1971.

2. *Amendment of section 8.*—In sub-section (2) of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the principal Act), for the words “submit the case for the decision of the Central Government together with the record of the proceedings held by him and a report containing his recommendations on the objections”, the words, brackets and figures “either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him

for the decision of that Government" shall be substituted.

3. *Amendment of section 9.*—In section 9 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "made by it to that effect", the following shall be inserted, namely:—  
"and different declarations may be made from time to time in respect of different parcels of any land, or of rights in or over such land, covered by the same notification under sub-section (1) of section 7, irrespective of whether one report or different reports has or have been made (wherever required) under sub-section (2) of section 8";

(ii) for the words "Provided that, where the declaration", the following shall be substituted, namely:—

"Provided that no declaration in respect of any particular land, or rights in or over such land, covered by a notification under sub-section (1) of section 7, issued after the commencement of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, shall be made after the expiry of three years from the date of the said notification: Provided further that, where a declaration";

(b) in sub-section (2), for the words "The declaration", the words "Every declaration" shall be substituted.

4. *Amendment of section 13.*—In section 13 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

(5A) In determining the amount of compensation for any land acquired under section 9, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put shall not be taken into consideration."

5. *Amendment of section 14.*—In section 14 of the principal Act, after sub-section (7), the following sub-section shall be inserted, namely:—

"(8) The Tribunal, in the proceedings before it, shall have all the powers which a civil court has while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of any document;
- (iii) reception of evidence on affidavits;
- (iv) requisitioning any public record from any court or office; and
- (v) issuing commissions for examination of witnesses."

6. *Amendment of section 17.*—In section 17 of the principal Act, in sub-section (2), for the second proviso the following provisions shall be substituted, namely:—

"Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal."

7. *Insertion of new section 18A.*—After section 18 of the principal Act, the following section shall be inserted, namely:—

"18A. *Payment to State Governments in lieu of royalty.*—Notwithstanding anything contained in this Act, where any land or any rights in or over land belonging to a State Government other than the rights under a mining lease granted or deemed to have been granted by the State Government to any person) vest in the Central Government under section 10 or in a Government Company under section 11, the Central Government or the Company, as the case may be, may pay to the State Government such sum of money as would have been payable as royalty by a lessee had such land or rights been under a mining lease granted by the State Government."

8. *Validation of certain acquisitions.*—(1) Notwithstanding any judgment, decree or order of any court to the contrary,—

(a) no acquisition of land or of rights in or over land made or purporting to have been made under the principal Act before the commencement of this Act, and no action taken or thing done (including any order made, agreement entered into or notification published) in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground—

(i) that one or more competent authorities have performed the functions of competent authority under the principal Act in respect of the land covered by the same notification under sub-section (1) of section 7 of the principal Act;

(ii) that one or more reports have been made under sub-section (2) of section 8 of the principal Act, whether in respect of the entire land covered by the same notification under sub-section (1) of section 7 of the principal Act or rights in or over such land, or in respect of different parcels of such land or of rights in or over such land;

(iii) that one or more declarations have been made under section 9 of the principal Act in respect of different parcels of the land covered by the same notification under sub-section (1) of section 7 of the principal Act or in respect of rights in or over such land,

(b) any acquisition in pursuance of any notification issued under sub-section (1) of section 7 of the principal Act before the commencement of this Act may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into or notification published) whether before or after such commencement, in connection with such acquisition shall be deemed to be invalid merely on the grounds referred to in clause (a) or any of them.

(2) Notwithstanding anything contained in clause (c) of sub-section (1), no declaration under section 9 of the principal Act in respect of any land, or rights in or over such land, which has been notified before the commencement of this Act, under sub-section (1) of section 7 of the principal Act, shall be made after the expiry of two years from the commencement of this Act.

(3) Where acquisition of any particular land (not being acquisition of rights in or over such land) covered by a notification under sub-section (1) of section 7 of the principal Act, issued before the commencement of this

Act, is or has been made in pursuance of any declaration under section 9 of the principal Act, whether made before or after such commencement, and such declaration is or has been made after the expiry of three years from the date of issue of such notification, there shall be paid simple interest, calculated at the rate of six per centum per annum on the market value of such land, as determined under sub-section (5) of section 13 of the principal Act, from the date of expiry of the said period of three years to the date of tender of payment of compensation payable for the acquisition of such land:

Provided that no such interest shall be payable for any period during which the proceedings for the acquisition of any land were held up on account of stay or injunction by order of a court:

Provided further that nothing in this sub-section shall apply to the acquisition of any land where the amount of compensation has been paid on the persons interested before the commencement of this Act.

*Assented to on 13-12-1971*

## THE ARMS (AMENDMENT) ACT, 1971

ACT No. 55 OF 1971

AN

ACT

*to amend the arms Act, 1959.*

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Arms (Amendment) Act, 1971.

2. *Amendment of section 2.*—In section 2 of the Arms Act, 1959 (54 of 1959), in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

(d) "district magistrate", in relation to any area for which a Commissioner of Police has been appointed, means the Commissioner of Police thereof and includes any such Deputy Commissioner of Police, exercising jurisdiction over the whole or any part of such area, as may be specified by the State Government in this behalf in relation to such area or part;.

*Assented to on 15-12-1971*

## THE COMPTROLLER AND AUDITOR-GENERAL'S (DUTIES, POWERS AND CONDITIONS OF SERVICE) ACT, 1971

ACT No. 56 OF 1971

AN

ACT

*to determine the conditions of service of the Comptroller and Auditor General of India and to prescribe his duties and powers and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

1. *Short title.*—This Act may be called the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "accounts", in relation to commercial undertakings of a Government, includes trading, manufacturing and profit and loss accounts and balance-sheets and other subsidiary accounts;
- (b) "appropriation accounts" means accounts which relate the expenditure brought to account during a financial year, to the several items specified in the law made in accordance with the provisions of the Constitution or of the Government of Union Territories Act, 1963 (20 of 1963), for the appropriation of moneys out of the Consolidated Fund of India or of a State, or of a Union territory having Legislative Assembly; as the case may be;
- (c) "Comptroller and Auditor-General" means the Comptroller and Auditor-General of India appointed under article 148 of the Constitution;
- (d) "State" means a State specified in the First Schedule to the Constitution;
- (e) "Union" includes a Union territory, whether having a Legislative Assembly or not.

### CHAPTER II

#### SALARY AND OTHER CONDITIONS OF SERVICE OF THE COMPTROLLER AND AUDITOR GENERAL

3. *Salary.*—There shall be paid to the Comptroller and Auditor General a salary which is equal to the salary of the Judge of the Supreme Court:

Provided that if a person who, immediately before the date of assuming office as the Comptroller and Auditor-General, was in receipt of, or, being eligible so to do, had elected to draw, a pension (other than a disability or wound pension) in respect of any previous service under the Government of the Union or any of its predecessor Governments, or under the Government of a State or any of its predecessor Governments, his salary in respect of service as Comptroller and Auditor-General shall be reduced—

- (a) by the amount of that pension; and
- (b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension; and
- (c) if he had, before assuming office, received, or become eligible for receiving, a retirement gratuity in respect of such previous service; by the pension equivalent of that gratuity.

4. *Term of office.*—The Comptroller and Auditor-General shall hold office for a term of six years from the date on which he assumes such office:

Provided that where he attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate such office on the date on which he attains the said age:

Provided further that he may, at any time, by writing under his hand addressed to the President, resign his office.

*Explanation.*—For the purpose of this section, term of six years in respect of the Comptroller and Auditor-General holding office immediately before the commencement of this Act, shall be computed from the date on which he had assumed office.

5. *Leave.*—(1) A person who, immediately before the date of assuming as the Comptroller and Auditor-General, was in the service of Government may be granted during his tenure of office but not thereafter,

leave in accordance with the rules for the time being applicable to the Service to which he belonged before such date and he shall be entitled to carry forward the amount of leave standing at his credit on such date, notwithstanding anything contained in section 6.

(2) Any other person who is appointed as the Comptroller and Auditor-General may be granted leave in accordance with such rule as are for the time being applicable to a member of the Indian Administrative Service.

(3) The power to grant or refuse leave to the Comptroller and Auditor General and to revoke or curtail leave granted to him, shall vest in the President.

6. *Pension.*—(1) A person who, immediately before the date of assuming office as the Comptroller and Auditor General, was in the service of Government shall be deemed to have retired from service on the date on which he enters upon office as the Comptroller and Auditor-General but his service as the Comptroller and Auditor-General shall be reckoned as continuing approved service counting for pension in the Service to which he belonged.

(2) Every person who enters upon office as the Comptroller and Auditor-General shall, on demitting the said office, be eligible to a pension of a sum of fifteen thousand rupees per annum which sum shall include the aggregate of all pensions payable to him and the commuted portion if any, of his pension, and pension equivalent of the retirement gratuity, if any, which may have been admissible to him under the rule for the time being applicable to the Service to which he belonged:

Provided that if such a person is or becomes eligible, at any time, under the rules for the time being governing the Service to which he belonged, to a pension higher than the said sum of fifteen thousand rupees, he shall be eligible to draw, as pension, the said higher amount.

(3) A person who, immediately before the date of assuming office as the Comptroller and Auditor-General, was in receipt of, or, had become eligible for receiving, a pension in respect of any previous service under Government, shall, on demitting office as the Comptroller and Auditor-General, be eligible to a pension of fifteen thousand rupees per annum which sum shall include the aggregate of all pensions payable to him and the commuted portion, if any, of his pension, and the pension equivalent of the retirement gratuity, if any, which they may have been admissible to him under the rules for the time being applicable to the Service to which he belonged:

Provided that if such a person is or becomes eligible, at any time, under the rules for the time being governing in Service to which he belonged, to a pension higher than the said sum of fifteen thousand rupees, he shall be eligible to draw, as pension, the said higher amount.

(4) Any other person who is appointed as the Comptroller and Auditor-General shall, on demitting the said office, be eligible to a pension of fifteen thousand rupees per annum.

(5) The person holding office immediately before the commencement of this Act as the Comptroller and Auditor-General shall be eligible to draw, at his option, pension at the rate at which it would be admissible to him if this Act had not come into force or at the rate specified in this section.

(6) A person who demits office as the Comptroller and Auditor-General by resignation shall, on such demission, be eligible to a pension at the rate of two thousand

rupees per annum for each completed year of his service as the Comptroller and Auditor-General:

Provided that in the case of a person referred to in sub-section (1) or sub-section (3), the aggregate amount of pension admissible under this sub-section together with the amount of pension equivalent of the retirement gratuity, if any, which may have been admissible to him under the rules for the time being applicable to the Service to which he belonged immediately before he assumed office as the Comptroller and Auditor General, shall not exceed fifteen thousand rupees per annum or the higher pension referred to in proviso to sub-section (2) or sub-section (3), as the case may be.

(7) If a person who demits office as the Comptroller and Auditor-General is not eligible to any pension under this section but is eligible to a pension under the rules for the time being applicable to the Service to which he belonged immediately before he assumed office as the Comptroller and Auditor-General, he shall, notwithstanding anything contained in this section, be eligible to draw such pension as is admissible to him under the said rules.

(8) Except where he demits office by resignation, pension holding office of the Comptroller and Auditor-General shall be deemed, for the purposes of this Act, to have demitted such office as such if, and only if,—

- (a) he has completed the term of office specified in section 4, or
- (b) he has attained the age of sixty-five years, or
- (c) his demission of office medically certified to be necessitated by ill health.

7. *Commutation of pension.*—The Civil Pensions (Commutation) Rules for the time being in force shall, with such adaptations as may be made therein by the President, apply to a person who had held office as the Comptroller and Auditor General.

8. *Right to subscribe to General Provident Fund.*—Every person holding office as the Comptroller and Auditor General shall be entitled to subscribe to the General Provident Fund (Central Services).

9. *Other conditions of service.*—Save as otherwise expressly provided in this Act, the other conditions of service of a person holding office as the Comptroller and Auditor-General including his emoluments during any period of duty out of India and his travelling allowance while travelling on duty, shall be determined by the rules for the time being applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of India.

Provided that nothing in this section shall have effect so as to give a person, who immediately before the date of assuming office as the Comptroller and Auditor-General, was in the service of Government, less favourable terms in respect of any of the matters aforesaid than those to which he would be entitled as a member of the Service to which he belonged, his service as Comptroller and Auditor-General being treated for the purpose of this proviso as continuing service in the Service to which he belonged.

### CHAPTER III

#### DUTIES AND POWERS OF THE COMPTROLLER AND AUDITOR-GENERAL

10. *Comptroller and Auditor-General to compile accounts of Union and States.*—(1) The Comptroller and Auditor-General shall be responsible—

- (a) for compiling the accounts of the Union and of

each State from the initial and subsidiary accounts rendered to the audit and accounts offices under his control by treasuries, offices or departments responsible for the keeping of such accounts; and

- (b) for keeping such accounts in relation to any of the matters specified in clause (a) as may be necessary:

Provided that the President as respects the accounts of the Union, and the Governor of a State as respects the accounts of that State, may, after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for compiling the accounts of any particular service or department of the Union or of a State, as the case may be:

Provided further that the President may, after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for keeping the accounts of any particular class or character.

(2) Where under any arrangement, a person other than the Comptroller and Auditor-General has, before the commencement of this Act, been responsible—

- (i) for compiling the accounts of any particular service or department of the Union or of a State, or  
(ii) for keeping the accounts of any particular class or character,

such arrangement shall, notwithstanding anything contained in sub-section (1), continue to be in force unless, after consultation with the Comptroller and Auditor-General, it is revoked in the case referred to in clause (i), by an order of the President or the Governor of the State, as the case may be, and in the case referred to in clause (ii), by an order of the President.

**11. Comptroller and Auditor-General to prepare and submit accounts to the President, Governors of States and Administrators of Union territories having Legislative Assemblies.**—The Comptroller and Auditor-General shall, from the accounts compiled by him or by any other person responsible in that behalf, prepare in each year accounts (including, in the case of accounts compiled by him, appropriation accounts) showing under the purpose of the Union, of each State and of each Union territory having a Legislative Assembly, and shall submit those accounts to the President or the Governor of a State or Administrator of the Union territory having a Legislative Assembly, as the case may be, on or before such dates as he may, with the concurrence of the Government concerned, determine.

**12. Comptroller and Auditor-General to give information and render assistance to the Union and States.**—The Comptroller and Auditor-General shall, in so far as the accounts, for the compilation or keeping of which he is responsible enable him so to do, give to the Union Government, to the State Governments or to the Governments of Union territories having Legislative Assemblies, as the case may be, such information as they may, from time to time, require, and render such assistance in the preparation of their annual financial statements as they may reasonably ask for.

**13. General provisions relating to audit.**—It shall be the duty of the Comptroller and Auditor-General—

- a) to audit all expenditure from the Consolidated Fund of India and of each State and of each Union territory having a Legislative Assembly and to ascertain whether the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged and whether the expenditure conforms to the authority which governs it;

(b) to audit all transactions of the Union and of the States relating to Contingency Funds and Public Accounts;

(c) to audit all trading, manufacturing, profit and loss accounts and balance-sheets and other subsidiary accounts kept in any department of the Union or of a State;

and in each case to report on the expenditure, transactions or accounts so audited by him.

**14. Audit of receipts and expenditure of bodies or authorities substantially financed.**—Where any body or authority is substantially financed by grants or loans from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly, the Comptroller and Auditor-General shall, subject to the provisions of any law for the time being in force applicable to the body or authority, as the case may be, audit all receipts and expenditure of that body or authority and to report on the receipts and expenditure audited by him.

*Explanation.*—Where the grant or loan to a body or authority from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly in a financial year is not less than rupees five lakhs and the amount of such grant or loan is not less than seventy-five per cent of the total expenditure of that body or authority, such body or authority shall be deemed, for the purposes of this section, to be substantially financed by such grants or loans, as the case may be.

**15. Functions of Comptroller and Auditor-General in the case of grants or loans given to other authorities or bodies.**—(1) Where any grant or loan is given for any specific purpose from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly to any authority or body, not being a foreign State or international organisation, the Comptroller and Auditor-General shall scrutinise the procedures by which the sanctioning authority satisfies itself as to the fulfilment of the conditions subject to which such grants or loans were given and shall for this purpose have right of access, after giving reasonable previous notice, to the books and accounts of that authority or body:

Provided that the President, the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, may, where he is of opinion that it is necessary so to do in the public interest, by order, relieve the Comptroller and Auditor-General, after consultation with him, from making any such scrutiny in respect of any body or authority receiving such grant or loan.

(2) Except where he is authorised so to do by the President, the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, the Comptroller and Auditor-General shall not have, while exercising the powers conferred on him by sub-section (1), right to access to the books and accounts of any corporation to which any such grant or loan as is referred to in sub-section (1) is given if the law by or under which such corporation has been established provides for the audit of the accounts of such corporation by an agency other than the Comptroller and Auditor-General:

Provided that no such authorisation shall be made except after consultation with the Comptroller and Auditor-General and except after giving the concerned corporation a reasonable opportunity of making representations with regard to the proposal to give to the Comptroller and Auditor-General right of access to its books and accounts.

**16. Audit of receipts of Union or of States.**—It shall be the duty of the Comptroller and Auditor-General to audit all receipts which are payable into the Consolidated Fund of India and of each State and of each Union territory having a Legislative Assembly and to satisfy himself that the rules and procedures in that behalf are designed to secure an effective check on the assessment, collection and proper allocation of revenue and are being duly observed and to make for this purpose such examination of the accounts as he thinks fit and report thereon.

**17. Audit of accounts of stores and stock.**—The Comptroller and Auditor-General shall have authority to audit and report on the accounts of stores and stock, kept in any office or department of the Union or of a State.

**18. Powers of Comptroller and Auditor-General in connection with audit of accounts.**—(1) The Comptroller and Auditor-General shall in connection with the performance of his duties under this Act, have authority—

- (a) to inspect any office of accounts under the control of the Union or of a State, including treasuries and such offices responsible for the keeping of initial or subsidiary accounts, as submit accounts to him;
- (b) to require that any accounts, books, papers and other documents which deal with or form the basis of or are otherwise relevant to the transactions to which his duties in respect of audit extend, shall be sent to such place as he may appoint for his inspection;
- (c) to put such questions or make such observations as he may consider necessary, to the person in charge of the office and to call for such information as he may require for the preparation of any account or report which it is his duty to prepare.

(2) The person in charge of any office or department, the accounts of which have to be inspected and audited by the Comptroller and Auditor-General, shall afford all facilities for such inspection and comply with requests for information in as complete a form as possible and will all reasonable expedition.

**19. Audit of Government companies and corporations.**—(1) The duties and powers of the Comptroller and Auditor-General in relation to the audit of the accounts of Government companies shall be performed and exercised by him in accordance with the provisions of the Companies Act, 1956 (1 of 1956).

(2) The duties and powers of the Comptroller and Auditor-General in relation to the audit of the accounts of corporations (not being companies) established by or under law made by Parliament shall be performed and exercised by him in accordance with the provisions of the respective legislations.

(3) The Governor of a State or the Administrator of a Union territory having a Legislative Assembly may, where he is of opinion that it is necessary in the public interest so to do, request the Comptroller and Auditor-General to audit the accounts of a corporation established by law made by the Legislature of the State or of the Union territory, as the case may be, and where such request has been made the Comptroller and Auditor-General shall audit the accounts of such corporation and shall have, for the purposes of such audit, right of access to the books and accounts of such corporation:

Provided that no such request shall be made except after consultation with the Comptroller and Auditor-General and except after giving reasonable opportunity to the corporation to make representations with regard to the proposal for such audit.

**20. Audit of accounts of certain authorities or bodies.**—

(1) Save as otherwise provided in section 19, where the audit of the accounts of any body or authority has not been entrusted to the Comptroller and Auditor-General by or under any law made by Parliament, he shall, if requested so to do by the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, undertake the audit of the accounts of such body or authority on such terms and conditions as may be agreed upon between him and the concerned Government and shall have, for the purposes of such audit, right of access to the books and accounts of that body or authority:

Provided that no such request shall be made except after consultation with the Comptroller and Auditor-General.

(2) The Comptroller and Auditor-General may propose to the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, that he may be authorised to undertake the audit of the accounts of any body or authority, the audit of the accounts of which has not been entrusted to him by law, if he is of opinion that such audit is necessary because a substantial amount has been invested in, or advanced to, such body or authority by the Central or State Government or by the Government of a Union territory having a Legislative Assembly, and on such request being made, the President or the Governor or the Administrator, as the case may be, may empower the Comptroller and Auditor-General to undertake the audit of the accounts of such body or authority.

(3) The audit referred to in sub-section (1) or sub-section (2) shall not be entrusted to the Comptroller and Auditor-General except where the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, is satisfied that it is expedient so to do in the public interest and except after giving a reasonable opportunity to the concerned body or authority to make representations with regard to the proposal for such audit.

## CHAPTER IV

### MISCELLANEOUS

**21. Delegation of power of Comptroller and Auditor-General.**—Any power exercisable by the Comptroller and Auditor-General under the provisions of this Act, or any other law may be exercised by such officer of his department as may be authorised by him in this behalf by general or special order:

Provided that except during the absence of the Comptroller and Auditor-General on leave or otherwise, no officer shall be authorised to submit on behalf of the Comptroller and Auditor-General any report which the Comptroller and Auditor-General is required by the Constitution or the Government of Union Territories Act, 1963 (20 of 1963) to submit to the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be.

22. *Power to make rules.*—(1) The Central Government may, after consultation with the Comptroller and Auditor-General, by notification in the Official Gazette, make rules for carrying out the provision of this Act in so far as they relate to the maintenance of accounts.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which initial and subsidiary accounts shall be kept by the treasuries, offices and departments rendering accounts to audit and accounts offices;

(b) the manner in which the accounts of any particular service or department or of any particular class or character, in respect of which the Comptroller and Auditor-General has been relieved from the responsibility of compiling or keeping the accounts, shall be compiled or kept;

(c) the manner in which the accounts of stores and stock shall be kept in any office or department of the Union or of a State, as the case may be;

(d) any other matter which is required to be, or may be, prescribed by rules.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. *Power to make regulations.*—The Comptroller and Auditor-General is hereby authorised to make regulations for carrying into effect the provisions of this Act in so far as they relate to the scope and extent of audit, including laying down for the guidance of the Government Departments the general principles of Government accounting and the broad principles in regard to audit of receipts and expenditure.

24. *Power to dispose with detailed audit.*—The Comptroller and Auditor-General is hereby authorised to suspend, in such circumstances so warrant, any detailed audit of any accounts or class of transactions and to make such limited check in relation to such accounts or classes of transactions as he may determine.

25. *Repeal.*—The Comptroller and Auditor-General (Amendment) Act, 1953 (21 of 1953), is hereby repealed.

26. *Removal of doubts.*—For the removal of doubts, it is hereby declared that on the commencement of this Act, the Government of India (Audit and Accounts) Order, 1936, as amended by the India (Provisional Constitution) Order, 1947, shall cease to be in force except as respects anything done or any action taken thereunder.

Assented to on 15-12-1971

## THE VISVA-BHARATI (AMENDMENT) ACT, 1971

ACT No. 57 OF 1971

AN

ACT

to amend the *Visva-Bharati Act, 1951.*

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Visva-Bharati (Amendment) Act, 1971.

(2) It shall be deemed to have come into force on the 3rd day of November, 1971.

2. *Act 29 of 1951 to be amended.*—The Visva-Bharati Act, 1951 (hereinafter referred to as the principal Act), and the Statutes thereunder shall have effect subject to the amendments specified in this Act.

3. *Substitution of new section for section 19.*—For section 19 of the principal Act, the following section shall be substituted, namely:—

“19. *The Samsad (Court).*—(1) The Samsad (Court) shall consist of the following members, namely:—

(a) the Acharya (Chancellor), *ex-officio*;

(b) the Upacharya (vice-Chancellor) and the other members of the Karma-Samiti (Executive Council), *ex-officio*;

(c) the Artha-Sachiva (Treasurer), *ex-officio*;

(d) two persons, being Professors of the University, to be nominated by the Paridarsaka (Visitor);

(e) two persons from among the teachers, other than the Professors, to be nominated by the Paridarsaka (Visitor);

(f) three representatives of Parliament, of which two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof;

(g) ten persons to be nominated by the Paridarsaka (Visitor) from among persons who in the opinion of the Paridarsaka (Visitor), are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education;

(h) two members of the Alumni Association to be nominated by the Paridarsaka (Visitor).

(2) Ten members, other than the *ex-officio* members of the Samsad (Court), shall form the quorum for its meeting.

(3) Each member of the Samsad (Court), other than the *ex-officio* members, shall hold office for a term of three years from the date on which he is nominated as its member.”

4. *Substitution of new section for section 21.*—For section 21 of the principal Act, the following section shall be substituted, namely:—

“21. *Functions of the Samsad (Court).*—The Samsad (Court) shall be an advisory body and shall—

(a) advise the Paridarsaka (Visitor) in respect of such matter as he may refer to it for advice;

(b) advise any authority of the University in respect of such matter as may be referred to it by such authority; and

(c) perform such other duties and exercise such other powers as may be assigned to it by or under this Act or the Statutes made thereunder or by the *Paridarsaka* (Visitor)."

5. *Amendment of section 22.*—In section 22 of the principal Act, for the words "The *Karma-Samiti*", the words "Subject to the control of the *Paridarsaka* (Visitor), the *Karma-Samiti*" shall be substituted.

6. *Amendment of section 23.*—In section 23 of the principal Act,—

(i) for the words "The *Krama-Samiti*", the words "Subject to the control of the *Paridarsaka* (Visitor), the *Karma-Samiti*" shall be substituted; and

(ii) after clause (i), the following clause shall be inserted, namely:—

"(ia) shall regulate and enforce discipline among members of the teaching, administrative and ministerial staff of the University in accordance with the Statutes and the Ordinance;"

7. *Amendment of section 28.*—In section 28 of the principal Act, for sub-sections (2) to (8), the following sub-sections shall be substituted, namely:—

"(2) The Statutes may be amended, repealed or added to by Statutes made by the *Karma-Samiti* (Executive Council).

(3) The *Karma-Samiti* (Executive Council) shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing the opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the *Paridarsaka* (Visitor).

(4) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall be submitted to the *Paridarsaka* (Visitor) who may assent to it or withhold his assent therefrom or remit it to the *Karma-Samiti* (Executive Council) for further consideration.

(5) A Statute passed by the *Karma-Samiti* (Executive Council) shall have no validity until it has been assented to by the *Paridarsaka* (Visitor)."

8. *Amendment of section 30.*—In section 30 of the principal Act,—

(i) in sub-section (3), the words "and the *Samsad* (Court), and shall be considered by the *Samsad* (Court), at its next succeeding meeting" shall be omitted;

(ii) for sub-sections (4) to (7), the following sub-sections shall be substituted, namely:—

"(4) Where the *Karma-Samiti* (Executive Council) has rejected the draft of an Ordinance proposed by the *Siksha-Samiti* (Academic Council), the *Siksha-Samiti* (Academic Council) may appeal to the *Paridarsaka* (Visitor) who may pass such orders thereon as he thinks fit.

(5) All Ordinances made by the *Karma-Samiti* (Executive Council) shall be submitted, as soon as may be, to the *Paridarsaka* (Visitor) who may disallow any such Ordinance or remit it to the *Karma-Samiti* (Executive Council) for further consideration.

(6) The *Paridarsaka* (Visitor) may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have

effect on the expiration of one month from the date of such order."

9. *Substitution of new section for section 35.*—For section 35 of the principal Act, the following section shall be substituted, namely:—

"35. *Annual reports.*—The annual report of the University shall be prepared under the direction of the *Karma-Samiti* (Executive Council) and shall be submitted to the *Paridarsaka* (Visitor) on or before such date as may be prescribed by the Statute."

10. *Amendment of section 36.*—In section 36 of the principal Act,—

(i) in sub-section (3), the words "the *Samsad* (Court) and to" shall be omitted; and

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The annual accounts and the financial estimates shall be considered by the *Paridarsaka* (Visitor) who may communicate his views to the *Karma-Samiti* (Executive Council) which shall take them into consideration and take such action thereon as it thinks fit or inform the *Paridarsaka* (Visitor) when no action is taken, of its reasons therefor."

11. *Substitution of new section for section 41.*—For section 41 of the principal Act, the following section shall be substituted, namely:—

"41. *Removal from membership of the University.*—The *Karma-Samiti* (Executive Council) may, on the recommendation of not less than two-thirds of its members remove any person from the membership of any authority or board of the University if such a person is guilty of a serious offence involving moral turpitude, or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred on, or granted to, any person by the University:

Provided that no action shall be taken under this section against any person except after giving him a reasonable opportunity of being heard with regard to the proposed action."

12. *Amendment of Statutes.*—Notwithstanding anything contained in the principal Act, the Statutes of the University shall stand amended as follows:—

(i) in Statute 3, after clause (2), the following clause shall be inserted, namely:—

"(2A) When the *Upacharya* (Vice-Chancellor) by reason of leave or absence or any other cause is unable to perform the duties of his office, the current duties of the *Upacharya* (Vice-Chancellor) shall be performed,—

(a) in the case of leave or absence for more than thirty days, by such Professor as the *Karma-Samiti* (Executive Council) may appoint for the purpose on the recommendation of the *Upacharya* (Vice-Chancellor);

(b) in the case of leave or absence for a period not exceeding thirty days, by such teacher or an officer as the *Upacharya* (Vice-Chancellor) may appoint for the purpose."

(ii) in Statute 7, after item(2), the following item shall be inserted, namely:—

"(3) Dean of Student Welfare."

(iii) after Statute 9, the following Statute shall be inserted, namely:—

**"9. Dean of Student Welfare:**

- (1) The Dean of Student Welfare shall be appointed, from amongst the employees of the University who are or who have been teachers of the University, by the *Karma-Samiti* (Executive Council) on the recommendation of the *Upacharya* (Vice-Chancellor).
- (2) The Dean of Student Welfare shall exercise such powers and perform such duties either whole-time, or, depending upon the need of the University, part-time, accordingly as the *Karma-Samiti* (Executive Council) may, on the recommendation of the *Upacharya* (Vice-Chancellor), direct.
- (3) The period and terms of the appointment of the Dean of Student Welfare shall be determined by the *Karma Samiti* (Executive Council).";

(iv) Statutes 10 and 11 shall be omitted;

(v) for Statute 13, the following Statute shall be substituted, namely:—

**"13. The Karma-Samiti (Executive Council)**

- (1) The *Karma-Samiti* (Executive Council) shall consist of the following members, namely:—

- (a) the *Upacharya* (Vice-Chancellor), *ex-officio*;
- (b) seven persons of whom not more than four shall be Professors of the University, to be nominated by the *Paridarsaka* (Visitor); and
- (c) one person to be nominated by the *Pradhana* (Rector) of the University.

2. Five members of the *Karma-Samiti* (Executive Council) shall form the quorum for its meeting.

- (3) Each member of the *Karma-Samiti* (Executive Council), other than the *Upacharya* (Vice-Chancellor), shall hold office for a term of three years from the date on which he is nominated as its members.";

(vi) for Statute 14, the following Statute shall be substituted, namely:—

**"14. The Siksha-Samiti (Academic Council).**

- (1) The *Siksha-Samiti* (Academic Council) shall consist of the following members, namely:—

- (a) the *Upacharya* (Vice-Chancellor), *ex-officio*;
- (b) *Chatra-Parichalaka* (Proctor), *ex-officio*;
- (c) *Granthagrika* (Librarian), *ex-officio*;
- (d) Head of the *Palli-Samgathan Vibhaga*, *ex-officio*;
- (e) fifteen teachers of the University to be nominated by the *Paridarsaka* (Visitor); and
- (f) two persons, not being employees of the University, to be nominated by the *Paridarsaka* (Visitor) for their specialised knowledge.

(2) Eight members of the *Siksha-Samiti* (Academic Council) shall form the quorum for its meeting.

- (3) Each member of the *Siksha-Samiti* (Academic Council), other than the *ex-officio* members shall hold office for a term of three years from the date on which he is nominated as its member.";

(vii) for Statute 16, the following Statute shall be substituted, namely:—

**"16. The Artha-Samiti (Standing Finance Committee):**

- (1) The *Artha-Samiti* (Standing Finance Committee) shall consist of the following members, namely:—

- (a) the *Upacharya* (Vice Chancellor), *ex-officio*;
- (b) two persons to be nominated by the *Paridarsaka* (Visitor);
- (c) one Professor of the University to be nominated by the *Karma-Samiti* (Executive Council); and
- (d) the *Artha-Sachiva* (Treasurer), who shall be the Secretary thereof."

(2) Four members of the *Artha-Samiti* (Standing Finance Committee) shall form the quorum for its meeting.

- (3) Each member of the *Artha-Samiti* (Standing Finance Committee), other than the *Upacharya* (Vice-Chancellor), shall hold office for a period of three years from the date on which he is nominated as its member.";

(viii) for Statute 19, the following Statute shall be substituted, namely:—

**"19. Patha-Samitis (Boards of Studies).**

- (1) There shall be separate *Patha-Samitis* (Boards of Studies) for each of the following, namely:—

- (i) school studies;
- (ii) each subject of the—
  - (a) under-graduate studies, and
  - (b) post-graduate studies.

(2) The constitution of such *Patha Samitis* (Boards of Studies) shall be such as may be prescribed by Ordinances.

- (3) It shall be the duty of each *Patha Samiti* (Board of Studies) to make recommendations to the *Siksha-Samiti* (Academic Council) regarding—

- (i) courses and syllabi of studies and textbooks for its subject or subjects with which it is concerned;
- (ii) fellowships, scholarships, medals and prizes in the subject or subjects with which it is concerned;
- (iii) combination of subjects permitted in the various courses; and
- (iv) the names of examiners.";

(ix) after Statute 19, the following Statute shall be inserted, namely:—

**"19A. Adhyakshas (Principals) of Colleges:**

- (1) There shall be an *Adhyaksha* (Principal) for each College.

(2) Each Professor within the College shall, by rotation according to seniority, act as the *Adhyaksha* (Principal) of the College for a period of two years:

Provided that if there is no Professor in the College, a senior teacher shall be asked by the *Upacharya* (Vice-Chancellor) to act as the *Adhyaksha* (Principal) till such time as a Professor is appointed:

Provided further that the *Upacharya* (Vice-Chancellor) may on the written request of the Professor or senior teacher, as the case may be, exempt such Professor or teacher from having to work as the *Adhyaksha* (Principal) or accept the resignation of an *Adhyaksha* (Principal) during the tenure of his office as such, if the *Upacharya* (Vice-Chancellor) is satisfied with the reasons given by him for such resignation.

**Explanation.**—For the purpose of this Statute, a Professor shall be senior to a Reader and a Reader shall be senior to a Lecturer.

- (3) For the purpose of this Statute, there shall be maintained separate common seniority lists, respectively, in relation to the Professors, Readers and Lecturers working in the various colleges of the University.
- (4) If a question arises as to the seniority of any Professor, Reader or Lecturer, as the case may be, the same shall be determined by the *Karma-Samiti* (Executive Council)."
- (x) in Statute 21, in clause (2), sub-clause (d) shall be omitted;
- (xi) in Statute 22, in clause (2), the words "approval of two-thirds of the members present at any meeting of the *Samsad* (Court) and the" shall be omitted;
- (xii) after Statute 46, the following Statute shall be inserted, namely:—

**"47. Maintenance of discipline amongst students of the University:**

- (1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the *Upacharya* (Vice-Chancellor).
- (2) The *Upacharya* (Vice-Chancellor) may delegate such of his powers as he deems proper to the *Chatra-Parichalaka* (Proctor) and to such other persons as he may specify in this behalf and the powers so delegated shall be exercised under the direction, supervision and control of the *Upacharya* (Vice-Chancellor).
- (3) Without prejudice to the generality of his powers relating to the maintenance of discipline and the taking of such action in the interests of maintenance of discipline as may seem to him appropriate the *Upacharya* (Vice-Chancellor) may, in the exercise of his powers aforesaid order or direct that any student or students be expelled, or be, for a stated period, rusticated, or be not, for stated period, admitted to a course or courses of study or be fined in a sum of rupees that may be specified or be debarred from taking examination or examinations for one or more years or that the results of student or students concerned in the examination or examinations in which he or they have appeared, be cancelled.
- (4) Without prejudice to the powers of the *Upacharya* (Vice Chancellor) and the *Chatra-Parichalaka* (Proctor) as aforesaid, detailed rules of discipline and proper conduct shall be framed by the University."

**13. Transitional provisions.**—(1) Every person holding office as a member of the *Samsad* (Court), *Karma-Samiti* (Executive Council), *Siksha-Samiti* (Academic Council), *Artha-Samiti* (Standing Finance Committee) or a *Patha-Samiti* (Board of Studies), as the case may be, immediately before the commencement of this Act shall, on and from such commencement, cease to hold office as such:

Provided that where any such person held, immediately before such date, any other office in the University, nothing contained in this sub-section shall be construed as affecting his continuance in such other office.

- (2) Until the *Samsad* (Court), *Karma-Samiti* (Executive

Council), *Siksha-Samiti* (Academic Council), *Artha-Samiti* (Standing Finance Committee) or a *Patha-Samiti* (Board of Studies), as the case may be, is constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act, the *Paridarsaka* (Visitor) may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed by or under the principal Act as so amended or the Statutes as so modified on the *Samsad* (Court), *Karma-Samiti* (Executive Council), *Siksha-Samiti* (Academic Council), *Artha-Samiti* (Standing Finance Committee) or the *Patha Samiti* (Board of Studies), as the case may be.

**14. Repeal and savings.**—(1) The *Visva-Bharati* (Amendment) Ordinance, 1971 (Ordinance 22 of 1971), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

Assented to on 16-12-1971.

**THE NAVAL AND AIRCRAFT PRIZE ACT, 1971**

ACT No. 59 OF 1971

AN  
ACT

to provide for the establishment and procedure of Prize Courts and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Naval and Aircraft Prize Act, 1971.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

- (a) "aircraft" has the meaning assigned to it in clause; (ii) of section 4 of the Air Force Act, 1950 (45 of 1950);
- (b) "aircraft papers" includes all books, passes, charter parties, bills of landing, customs receipts, manifests, certificates, licences, lists, tickets, notes, letters, and other documents and writings delivered up or found on board a captured aircraft;
- (c) "Armed Forces" means the Army, Navy and Air Force or any part of any one or more of them and includes any other armed force in the service of, or employed with, the Army, Navy or Air Force during hostilities;
- (d) "goods" includes all such things as may be subject to adjudication as prize, but in the case of a naval prize does not include any aircraft or boat unless the aircraft or boat is a part of the cargo of a ship;
- (e) "Prize Court" means a prize court established under section 3;
- (f) "Indian citizen" includes a company registered in India and having its principal place of business in India;
- (g) "military aircraft" means any aircraft belonging to the Armed Forces and includes any armed aircraft used in the service of the Armed Forces and any other aircraft used as a transport or auxiliary or in any other way for the purpose of prosecuting or aiding hostilities;
- (h) "prize" means anything which, subject to this Act and the rules made thereunder, may be subjected to adjudication and included a ship or an aircraft and goods carried therein, irrespective of whether the ship is captured at sea or

seized in port or whether the aircraft is on or over land or sea at the time of capture or seizure;

- (i) "ship" includes a vessel and a boat with the tackle, furniture and apparel of the ship, vessel or boat;
- (j) "ship-of-war" means any ship belonging to the Armed forces and includes any armed ship in the service of the Armed Forces and any other ship used as transport or auxiliary or in any other way for the purpose of prosecuting or aiding hostilities;
- (k) "ship papers" includes all books, passes, sea briefs, charter parties, bills of lading, customs receipts, manifests, certificates, licences, lists, tickets, notes, letters and other documents and writings delivered up or found on board a ship captured at sea or seized in port.

3. *Establishment of Prize Courts.*—(1) The Central Government may, by notification in the Official Gazette, constitute from time to time as many Prize Courts as the Central Government may determine to exercise the powers and discharge the functions conferred on a Prize Court by this Act and every such Prize Court shall exercise jurisdiction within the local limits of such area or areas as may be specified by the Central Government in the said notification.

(2) Every Prize Court shall consist of such one or more than one member as the Central Government may from time to time deem it necessary to appoint.

(3) A person shall not be qualified for appointment as a member of a Prize Court unless he is a citizen of India and has been or is qualified to be appointed as a Judge of a High Court.

(4) Subject to the provisions of section 18, the conditions of service of a member of a Prize Court shall be such as the Central Government may by order determine.

4. *Jurisdiction of Prize Courts in prizes cases.*—(1) Notwithstanding anything contained in any other law for the time being in force, every Prize Court shall have exclusive jurisdiction in respect of each prize and each proceeding for the condemnation of property as prize whether such prize is taken before or after the commencement of this Act, if the prize is—

- (a) brought into or seized within the territory of India;
- (b) brought into or seized within a locality in the temporary or permanent possession of, or occupied by, the Armed Forces of the Union; or
- (c) appropriated for the use of the Central Government,

and is brought within the territorial jurisdiction of that Prize Court:

Provided that in the Courts of a Naval prize, the Prize Court shall have jurisdiction only if the prize captured or seized is brought to a port or place lying within the territorial jurisdiction of that Prize Court.

(2) Every Prize Court shall also have exclusive jurisdiction, in respect of a prize in which the prize property—

- (a) is lost or entirely destroyed; or
- (b) cannot be brought in for adjudication because of its nature and condition.

(3) Without prejudice to the generality of the powers conferred by sub-section (1), a Prize Court shall take cognizance of and judicially proceed upon all manner of captures, seizures, prizes and reprisals of all ships, vessels, aircrafts and goods that are captured or seized, and shall hear and determine the same, and in accordance

with this Act and rules made thereunder, shall adjudge and condemn all such ships, vessels aircrafts and goods belonging to any country or State or the nationals, citizens or subjects thereof, as may be captured or seized as prize during a war or as a measure of reprisal during an armed conflict or in the exercise of the right of self-defence.

(4) Notwithstanding anything contained in this section, the Prize Court may in respect of any matter for which no provision or insufficient provision is made, by or under this Act, apply the principal of the International Law regulating that matter.

5. *Transfer of cases.*—(1) Where proceedings are pending in any Prize Court against any ship, aircraft or goods, the Prize Court may, at any stage of the proceedings, on application being made by the proper officer of the Central Government and upon being satisfied that the proceedings so far as they relate to the ship aircraft or goods, or any part thereof, would be more conveniently conducted in another Prize Court, make an order remitting the proceedings or the proceedings so far as they relate to the ship, aircraft or goods, or any part of the goods, as the case may be, to such other Prize Court.

(2) Where any proceedings have been so remitted to another Prize Court, that other Prize Court shall have the same jurisdiction to deal with the matter as if the subject matter of those proceedings had originally been seized within its jurisdiction or brought within its jurisdiction after capture or seizure, as the case may be, and any order made or action taken in those proceedings before the order of remission shall be deemed to have been made or taken by or in that Court.

6. *Appeals.*—(1) Any person aggrieved by an order or decree of the Prize Court may prefer an appeal to the Central Government within a period of ninety days from the date on which such order or decree has been made.

(2) The provisions of section 5 and 12 of the Limitation Act, 1963 (36 of 1963), shall so far as may be, apply for computation of the period specified in sub-section (1).

7. *General Powers of Prize Courts.*—(1) A Prize Court shall, for the purposes of this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and examining them on oath;
  - (b) requiring the discovery and production of documents;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning of any public record or copies thereof from any court or office;
  - (e) issuing commissions for the examination of witnesses or documents;
  - (f) any other matter which may be prescribed by rules.
- (2) Without prejudice to the provisions of sub-section (1), every Prize Court shall have the power to enforce—
- (a) any order or decree of another Prize Court passed in a prize proceeding under this Act;
  - (b) any order of the Central Government passed in a prize appeal under section 6.

8. *Procedure on capture of prize.*—(1) Every ship and every aircraft taken as prize and brought into port or to a place within the jurisdiction of a Prize Court shall forthwith and without bulk broken, be delivered to the Marshal of the Court.

(2) If there is no such Marshal then the ship or aircraft shall be in like manner delivered to such person as the Central Government may appoint in this behalf.

(3) The ship or aircraft shall, subject to the orders of the Court, remain in the custody of the Marshal, or the person appointed under sub section (2).

**9. Ship and aircraft papers to be brought in Registry.—**

(1) The captors shall with all convenient speed after the ship or aircraft is brought into port or to a place within the jurisdiction of a Prize Court bring the ship papers or the aircraft papers, as the case may be, into the Registry of the Prize Court.

(2) The commanding officer or the captain of the capturing ship or aircraft or the commanding officer of the capturing force, or any other officer or person seizing the ship or aircraft at any port or aerodrome or any officer designated by the commanding officer or his superior authority as a Prize Officer or such other officer or person who was present at the capture and saw the ship papers or aircraft papers delivered up or found on board shall make oath that they are brought in as they were taken without fraud, addition, or subduction or alteration or else shall account on oath to the satisfaction of the Prize Court for the absence or altered condition of the ship papers or aircraft papers or any of them.

(3) Where no ship papers or aircraft papers are delivered up or found on board the captured ship or captured aircraft, the commanding officer or the captain of the capturing ship or aircraft or the commanding officer of the capturing force or any other officer or person seizing the ship or aircraft or the Prize Officer or such other officer or person who was present at the capture shall make an oath to that effect.

**10. Goods.**—The provisions of sections 8 and 9 relating to ships and aircraft shall, so far as may be, extend and apply to goods taken as prize on board a ship or aircraft and the Prize Court may direct such goods to be unladen, inventoried and warehoused.

**11. Pre-emption.**—Where a ship of a foreign State passing the seas or an aircraft of a foreign State, laden with military or victualling stores intended to be carried to any place under the control of an enemy is taken in circumstances making it subject to adjudication as prize, and is brought under the control of the Government of India, and the purchase of such stores for the service of the Central Government appears to the said Government expedient without the condemnation thereof in a Prize Court, then the Central Government may purchase on account or for the service of the Central Government all or any of such stores.

**12. Prize proceedings not apply to enemy warships and military aircraft.**—Nothing in this Act shall apply to a ship-of-war or military aircraft if the enemy or any other ship or aircraft owned by the enemy whether or not registered in the territory of the enemy or goods carried therein and no proceedings of prize shall be necessary for the condemnation of such ship-of-war or military aircraft or other ship or aircraft or goods carried therein.

**13. Capture to belong to Central Government.**—(1) Subject to the provisions of sub-section (2), all prizes captured by the Armed Forces of the Union and condemned where necessary in the Prize Court shall be the exclusive property of the Central Government.

(2) The Central Government may, at its discretion, out of the proceeds of the prize, make a grant of such

sum of money as it deems fit to the benevolent funds of the Armed Forces of the Union. -

**14. Prize salvage.**—(1) Where any ship or goods or aircraft belonging to an Indian citizens, after being taken as prize by the enemy is or are retaken from the enemy, the same shall be restored by decree of a Prize Court to the owner on his paying to the Central Government as prize salvage one-eighth part of the value of the prize to be decreed and ascertained by the Prize Court or such sum not exceeding one-eighth part of the estimated value of the prize as may be agreed upon between the owner and the Central Government and approved by the order of the Prize Court:

Provided that where the recapture is made in the circumstances of special difficulty of danger, the Prize Court may if it thinks fit award to the Central Government as prize salvage a larger part than one-eighth but not exceeding in any case one-fourth part of the value of the prize:

Provided further that where a ship or aircraft after being so taken is set forth or used by the enemy as a ship-of-war or military aircraft, the aforesaid provision for restitution shall not apply and subject to such compensation to the owner as the Prize Court may determine, the ownership of such ship or aircraft shall vest in the Central Government.

(2) Where a ship belonging to any Indian citizen, after being taken as prize, is retaken from the enemy, such ship may, with the consent of the recaptors, prosecute her voyage and it will not be necessary for the Central Government to proceed to adjudication till her return to a port in India.

(3) The master or owner of the ship or his agent may, with the consent of the Central Government, unload and dispose of the goods on board the ship before adjudication.

(4) In case the ship does not return within six months to a port in India, the Central Government may nevertheless institute proceedings against the ship or goods in a Prize Court and the Prize Court may thereupon award prize salvage as aforesaid and may enforce payment thereof.

(5) The provisions of sub-section (2), (3) and (4) shall *mutatis mutandis* apply also to an aircraft belonging to any Indian citizen which, after being taken as prize, is retaken from the enemy.

**15. Offences in respect of prize.**—Every person who is guilty of a prize offence, that is to say, an offence which is committed by a person subject to naval law would be punishable under section 63, section 64, section 65, section 66 or section 67 of the Navy Act, 1957 (62 of 1957) shall be punished with imprisonment which may extend to two years or with fine or both.

**16. Indemnity against legal proceedings.**—(1) Notwithstanding anything contained in any other law for the time being in force, no suit, prosecution or other legal proceedings shall lie against any officer of the Armed Forces of the Union or any other person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) Save as otherwise expressly provided under this Act, no suit of other legal proceedings shall lie against the Central Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

17. *Power to make rules.*—(1) The Central Government by notification in the Official Gazette, make rules for regulating the practice and procedure of a Prize Court and for generally carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the institution of cases, issue and service of writs, summons and other processes, and entering appearance and making of claims;
- (b) affidavits concerning ship papers or aircraft papers and other affidavits to be or which may be made in a Prize Court or for the purpose of proceedings in a Prize Court.
- (c) pleadings, particulars, discovery and inspection of documents and facts, evidence and hearing;
- (d) issue of warrants for arrest of prize, and detention of prize;
- (e) sale, appraisement, safe custody and inspection of prize;
- (f) bail and release;
- (g) requisition by Central Government of ships, aircraft or goods in the custody of a Prize Court;
- (h) appointment of assessors and their fees;
- (i) enforcement and execution of decrees and orders;
- (j) stay of proceedings;
- (k) costs of incidental to any proceedings in the Prize Court and as to the fees to be charged in respect of proceedings therein and as to the taking of security of costs;
- (l) procedure for hearing appeal and other matter pertaining to appeals;
- (m) appointment, duties and conduct of the officers of a Prize Court and costs, charges and expenses to be allowed to petitioners therein;
- (n) the manner in which and the condition subject to which the right of visit, search, detention or capture of any ship or aircraft or goods thereon may be exercised and the penalty for impeding the exercise of any such right;
- (o) the manner in which any such ship or aircraft or goods seized by or under the authority of any officer of the Armed Forces of the Union shall be kept in custody or disposed of;
- (p) the conditions for declaring any ship or aircraft or cargo thereon as hostile and for condemnation thereof;
- (q) the manner in which a ship or aircraft recaptured from the enemy may be disposed of;
- (r) the conditions subject to which a right of unhindered passage may be allowed to a ship or aircraft within the territory of India on the outbreak of hostilities or an armed conflict on the basis of reciprocity;
- (s) any other matter which may be, or is required to be, prescribed by rules.

(3) All rules made under this section shall be laid, as soon as may be, after they are made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid or the session immediately following, both Houses agree in making any modification in the rules or both Houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under those rules.

18. *Dissolution of Prize Courts.*—The Central Government may at any time when there is no prize proceeding pending before a Prize Court dissolve that Prize Court, and make such further orders as to the custody of the records of that Court as may be considered necessary.

19. *Repeals.*—The Naval Prize Act, 1864, the Naval Agency and Distribution Act, 1864, the Prize Courts Act, 1894, the Prize Courts Procedure Act, 1914, the Prize Courts Act, 1915, the Naval Prize Act, 1918, the Prize Act, 1939, in so far as they apply in India are hereby repealed.

20. *Savings.*—Nothing in this Act shall—

- (a) give to the officers and seamen of the Indian Naval ships or officers and airmen of the Indian Military aircraft or to any other person concerned in the capture of the prize any right or claim in or to any ships, aircraft of goods taken as prize or the proceeds thereof; or
- (b) affect the operation of any existing treaty or convention with any foreign State; or
- (c) take away or a bridge the powers of the Central Government to enter into any treaty or convention with any foreign State containing any stipulation that the Central Government may deem appropriate concerning any matter to which this Act relates.

Assented to on 23rd December, 1971

## THE COMPANIES (SURCHARGE ON INCOME-TAX ACT, 1971

ACT No. 62 OF 1972)

AN

ACT

to provide for the levy of a surcharge on income-tax payable in advance by companies during the financial year 1971-72 under the Income-tax Act, 1961.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Companies (Surcharge on Income-tax) Act, 1971.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Income-tax Act" means the Income-tax Act, 1961 (43 of 1961);
- (b) all words and expressions used in this Act shall have the meanings respectively assigned to them in the Income-tax Act.

3. *Levy of surcharges on income-tax payable by companies during 1971-72.*—(1) Every company which is liable to pay advance tax under section 210 or section 212 of the Income-tax Act during the financial year commencing on the 1st day of April, 1971, shall, in addition to the advance tax so payable, pay to the credit of the Central Government on or before the 15th day of March, 1972, a further sum, by way of surcharge on income-tax, calculated at the rate of two and one-half per cent of the amount specified in sub-section (2).

(2) The amount referred to in sub-section (1) shall be—

- (i) in a case where advance tax is required to be paid by an order under sub-section (1) or sub-section (3) of section 210 of the Income-tax Act, the amount specified in such order;
- (ii) in a case where advance tax is payable under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (3A) of section 212 of the Income-tax

Act on the basis of the estimate further by the company, the amount of advance tax so payable.

(3) Any sum required to be paid by a company as surcharge on income-tax under sub-section (1) shall be paid without any notice of demand to the company in that behalf from the Income-tax Officer.

4. *Mode of recovery.*—If the sum required to be paid under sub-section (1) of section 3 is not paid on or before the 15th day of March, 1972, the company shall be deemed to be an assessee in default and—

- (a) the company shall be liable to pay simple interest at nine per cent per annum from the 16th day of March, 1972;
- (b) all the provisions of sections 221 to 227, section 229, section 231 and section 232 of the Income-tax Act and the Second and Third Schedules to that Act and any rules made thereunder shall, so far as may be, apply as if the said provisions were the provisions of this Act and referred to surcharge on income-tax and sums imposed by way of penalty and interest under this Act instead of to income-tax and sums imposed by way of penalty and interest under that Act and as if references to sub-section (2) of section 220 were references to clause (a) of this section.

5. *Credit for surcharge.*—Any sum paid by or recovered from a company as surcharge on income-tax in pursuance of this Act shall be treated as a payment of tax under the Income-tax Act in respect of the income of the period which would be the previous year for the assessment year commencing on the 1st day of April, 1972, and credit therefor shall be given to the company for the purposes of assessment under section 140A, section 141A, section 143 or section 144 of the Income-tax Act.

Assented to on 23rd December, 1971

## THE JAYANTI SHIPPING COMPANY (ACQUISITION OF SHARES) ACT, 1971

ACT No. 63 OF 1971

AN  
ACT

*to provide for the acquisition of the shares of the Jayanti Shipping Company Limited in order to serve better the shipping needs of the nation and to facilitate the promotion and development, in the interests of the general public, of national shipping and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Twenty-second year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Jayanti Shipping Company (Acquisition of Shares) Act, 1971.

(2) It shall be deemed to have come into force on the 17th day of October, 1971.

2. *Definitions.*—In this Act unless the context otherwise requires,—

- (a) “appointed day” means the date of commencement of this Act;
- (b) “company” means the Jayanti Shipping Company Limited, being a company as defined in the

Coppanies Act, 1956 (1 of 1956), having as registered office at Bombay;

- (c) “shareholder” means a person, who, immediately before the appointed day, was registered as a shareholder in the capital of the company;
- (d) “Shipping corporation of India” means the Shipping Corporation of India Limited, being a Government company as defined in the Companies Act, 1956 (1 of 1956), having its registered office at Bombay.
- (e) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, (1 of 1956) shall have the meanings respectively assigned to them in that Act.

### CHAPTER II

#### ACQUISITION OF SHARES OF THE COMPANY

3. *Vesting of shares of company in Central Government and compensation therefor.*—(1) On the appointed day,—

- (a) all shares in the capital of the company shall, by virtue of this Act, be deemed to be transferred to and vested in the Central Government free from all trusts, liabilities and encumbrances; and
- (b) as compensation therefor the Central Government shall, in accordance with the provisions of section 4, pay to the shareholders the sum of rupees four crores and fifty lakhs only in the aggregate.

(2) For the removal of doubts it is hereby declared that the transfer and vesting of shares effected under clause (a) of sub-section (1) shall not be deemed to affect any right of the company, subsisting immediately before the appointed day against any shareholder to recover from him any sum of money on the ground that the shareholder has not paid or credited to the company the whole or any part of the value of the shares held by him or on any other ground whatsoever.

4. *Apportionment and manner of payment of compensation.*—(1) The amount of compensation payable under clause (d) of sub-section (1) of section (3) to the shareholders shall be apportioned among the shareholders according to the number of shares held by such shareholders.

(2) The amount of compensation payable to a shareholder in accordance with the provisions of sub-section (1) shall be given to him, at his option—

- (a) in a cash (to be paid by cheque drawn on the Reserve Bank of India) in three equal annual instalments, the amount of each instalment carrying interest at the rate of four per cent per annum from the appointed day, or
- (d) in saleable or otherwise transferable promissory notes or stock certificates of the Central Government issued and repayable at par, and maturing at the end of—
  - (i) ten years from the appointed day and carrying interest from that day at the rate of four and a half per cent per annum, or
  - (ii) thirty years from the appointed day and carrying interest from that day at the rate of five and a half per cent per annum, or
- (c) partly in cash (to be paid by cheque drawn on the Reserve Bank of India) and partly in such number of securities, specified in sub-clause (i) or sub-clause (ii), or both, of clause (b), as may be required by the shareholder, or
- (d) partly in such number of securities specified in sub-clause (i) of clause (b) and partly in such number

of securities specified in sub-clause (ii) of that clause, as may be required by the shareholder.

(3) The first of the three equal annual instalments referred to in clause (a) of sub-section (2) shall be paid, and the securities referred to in clause (b) of that sub-section shall be issued, within sixty days from the date of receipt by the Central Government of the option referred to in that sub-section, or where no such option has been exercised, from the latest date before which such option ought to have been exercised.

(4) The option referred to in sub-section (2) shall be exercised by a shareholder before the expiry of a period of three months from the appointed day (or within such further time, not exceeding three months, as the Central Government may, on the application of the shareholder, allow) and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised.

(5) If a shareholder omits or fails to exercise the option referred to in sub-section (2), within the time specified in sub-section (4), he shall be deemed to have opted for payment in securities specified in sub-clause (a) or clause (b) of sub-section (2).

(6) Notwithstanding anything contained in this section, a shareholder may, before the expiry of three months from the appointed day (or within such further time, not exceeding three months, as the Central Government may, on the application of the shareholder, allow) make an application in writing to the Central Government for

(a) the full payment of the compensation payable to him, if the compensation payable to him does not exceed rupees two lakhs; or

(b) an interim payment of an amount equal to seventy-five per cent of the face value of the shares in respect of which compensation is payable to him, or rupees two lakhs, whichever is greater, if the compensation payable to him exceeds rupees two lakhs,

indicating in such application whether the payment is desired in cash or in securities specified in sub-section (2), or in both.

(7) The Central Government shall, within sixty days from the receipt of the application referred to in sub-section (6), make the full payment or as the case may be, the interim payment to the shareholder in accordance with the option indicated in such application.

(8) The interim payment made to a shareholder under sub-section (7) shall be set off against the total amount of compensation payable to him under this Act and the balance of the compensation remaining outstanding after such payment shall be given to the shareholder in accordance with the option exercised, or deemed to have been exercised, under sub-section (4) or sub-section (5), as the case may be:

Provided that where any part of the interim payment is obtained by the shareholder in cash, the payment so obtained shall be set off, in the first instance, against the first instalment of the cash payment referred to in sub-section (2), and in case the payment so obtained exceeds the amount of the first instalment, the excess amount shall be adjusted against the second instalment and the balance of such excess amount, if any, against the third instalment of the cash payment.

(9) If any dispute arises as to the person entitled to receive the compensation payable in respect of any share, the Central Government shall deposit the amount of such compensation in the court for being paid to the person or persons entitled to be paid.

## CHAPTER III

### MANAGEMENT OF COMPANY

5. *Allocation of shares to shipping Corporation of India and certain other persons.*—(1) All the shares of the company vested in the Central Government by virtue of this Act, except one hundred thereof, shall immediately after they have so vested, stand transferred to and vested in the Shipping Corporation of India.

(2) The Central Government may by order transfer the remaining shares to such persons as may be specified in the order to enable the company to function as a Government company.

(3) On the transfer of shares to the Shipping Corporation of India under sub-section (1) or to any person under sub-section (2), the company shall forthwith register each transferee as a member of the company.

(4) The amount paid by the Central Government for the acquisition of the shares which stand transferred to and vested in the Shipping Corporation of India under sub-section (1) shall be deemed to be the contribution by the Central Government to the equity capital of that Corporation and that Corporation shall issue (if necessary, after amending its memorandum and articles of association) to the Central Government paid-up shares in its capital for a corresponding amount.

6. *Amendment of memorandum and articles of association of company.*—For the purpose of enabling the company to function as a Government company, the Central Government may, by notification published in the Official Gazette, make such amendments in the memorandum and articles of association of the company as it may consider necessary.

7. *Interim management of company.*—(1) Notwithstanding anything contained in the Companies Act, 1966 (1 of 1966), or in the memorandum or articles of association of the company, on and from the appointed day and till a New Board of directors of the company is duly constituted, the persons specified in the Schedule shall be the directors of the company and shall constitute the Board of directors of the company.

(2) If any vacancy arises in the Board of directors specified in the Schedule, it shall be filled by the Central Government in such manner as it thinks fit and thereupon the Schedule shall be deemed to be amended accordingly.

(3) No act or proceeding of the Board of directors specified in the Schedule shall be invalid merely by reason of the existence of any vacancy in the membership of the Board.

## CHAPTER IV

### MISCELLANEOUS

8. *Directors etc., not entitled to compensation.*—Notwithstanding anything contained in any law for the time being in force, no director or managerial personnel specified in section 197A of the Companies Act, 1956 (1 of 1956), or other person entitled to manage the whole or a substantial part of the business and affairs of the company under a special agreement or otherwise shall be entitled to any compensation against the company or the Central Government for the loss of office or for the premature termination of any contract of management entered into by him with the company whether such loss or termination was due to the provisions of the Jayanti Shipping Company (Taking Over of Management) Act, 1966 (2 of 1966) or this Act.

9. *Contracts in bad faith etc. may be cancelled or varied.*—The company may, within three years from the appointed day, make an application by any court having jurisdiction in this behalf for the purpose of cancelling or varying any contract or agreement entered into, at any time before the issue of the notified order under sub-section (1) of section 3 of the Jayanti Shipping Company (Taking Over of Management) Act, 1966 (24 of 1966), between the company and any other person and the court may, if satisfied after due inquiry that such contract or agreement had been entered into in bad faith and is detrimental to the interests of the company, make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) that contract or agreement, and the contract or agreement shall have effect accordingly.

10. *Duty to deliver possession of property of company and documents relating to company.*—Any person who has in his possession, custody or under his control any property of, or any books, documents or other papers relating to the property and assets of, the company, including such letters, memoranda, notes or other communications between him and the company, shall be liable to account for the said property, books, documents and other papers (including such letters, memoranda, notes or other communications) to the company and shall deliver them up to the company or to such other person as may be authorised for the purpose by the company.

11. *Powers of inspection.*—(1) For the purpose of ascertaining whether any property is the property of the company or for any other purpose mentioned in this Act or the rules made thereunder, any person authorised by the Central Government in this behalf shall have the right to—

- (a) enter and inspect any premises;
- (b) require any person having the possession, custody or control of any register or record of the company to produce such register or record.
- (c) require the occupier of any property belonging to, or claimed to be the property of, the company, to submit to the person so authorised such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary; and
- (d) examine any person having the control of, or employed, in connection with, the company and require him to make any statement touching the affairs of the company.

(2) Any person authorised by the Central Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

12. *Penalty for false statements.*—(1) If any person,—

- (a) when required by this Act or by any order under this Act to make any statement or furnish any information, to make any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or
- (b) makes any such statement as aforesaid in any book, account, record, return or other document which he is required by any order made under this Act to submit,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(2) Any person, who—

- (a) having in his possession, custody or control any property forming part of the assets of the company, wrongfully withholds such property from the company, or any person authorised by the company, or
- (b) wrongfully obtains possession of any property forming part of the assets of the company, or
- (c) wilfully withholds or fails to produce to any person authorised under this Act, any register, record or other document which may be in his possession, custody or control, or
- (d) fails, without any reasonable cause, to submit any accounts, books or other documents, when required to do so,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

13. *Limitation on prosecution.*—No court shall take cognizance of an offence under this Act except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

14. *Act to have over-riding effect.*—The provisions of this Act or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act or in any order made by a civil court.

15. *Protection of action taken under Act.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or the Shipping Corporation of India or any officer or other employee serving in connection with the affairs of the company for anything which is in good faith done or intended to be done under this Act.

16. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order as occasion requires, do anything (not inconsistent with the provisions of this Act) which appears to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be issued after the expiration of two years from the appointed day.

18. *Repeals and saving.*—(1) The Jayanti Shipping Company (Taking Over of Management) Act, 1966, (24 of 1966), is hereby repealed.

(2) The Jayanti Shipping Company (Acquisition of Shares) Ordinance, 1971 (14 of 1971), is hereby repealed:

Provided that notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

## THE SCHEDULE

[See section 7(1)]

Name 1	Designation and address 2
<i>Chairman of the Board of Directors and Managing Director of the Company</i>	
Shri C. P. Srivastava	Chairman, Shipping Corporation of India Ltd., Bombay.
<i>Directors of the Company</i>	
Shri P. N. Jain	Joint Secretary, Ministry of Finance, New Delhi.
Shri P. N. Mathur	General Manager, Central Railway, Bombay.
Shri J. A. Dave	Managing Director, Food Corporation of India, New Delhi.
Shri Jasjit Singh	Member, Central Board of Excise and Customs, Ministry of Finance (Department of Revenue), New Delhi.
Shri Kamaljit Singh	Managing Director, Indian Oil Corporation Ltd., Bombay.
Shri B. P. Srivastava	Director (Projects), Ministry of Shipping and Transport, New Delhi.

Assented to on 23rd December, 1971

## THE COKING COAL MINES (EMERGENCY PROVISIONS) ACT, 1971

ACT No. 64 OF 1971

AN

ACT

*to provide for the taking over, in the public interest, of the management of coking coal mines and coke oven plants, pending nationalisation of such mines and plants.*

WHEREAS it is expedient in the public interest that the coking coal mines and coke oven plants should be nationalised with a view to re-organising and reconstructing the coking coal mines and coke oven plants for the purpose of protecting, conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry;

AND WHEREAS it is expedient, in the public interest, to take over the management of coking coal mines and coke oven plants pending nationalisation thereof;

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

## CHAPTER I

## PREAMINARY

1. *Short title and commencement.*—(1) This Act may be called the Coking Coal Mines (Emergency Provisions) Act, 1971.

(2) It shall be deemed to have come into force on the 16th day of October, 1971.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the 17th day of October, 1971;
- (b) “coke oven plant” means the plant and equipment with which the manufacture of hard coke has been, or is being, carried on and includes—
  - (i) all lands, buildings, works, machinery and equipment, vehicles, railways, tramways and sidings, adjacent to, and belonging to, or in, the coke oven plant,
  - (ii) all workshops belonging to the coke oven plant including buildings, machinery, instruments, stores, equipment of such workshops and the lands on which such workshops stand,
  - (iii) all hard coke in stock or in transit or under production, and other stores, stocks and instruments, belonging to the coke oven plant,
  - (iv) all power stations belonging to the coke oven plant or operated for supplying electricity for the purpose of working the coke oven plant,
  - (v) all lands, buildings and equipment adjacent to or belonging to, the coke oven plant where the washing of coal is carried on,
  - (vi) all other assets, movable or immovable belonging to a coke oven plant, whether within its premises or outside, including cash balances, reserve funds and investments in so far as they relate to the coke oven plant and also any money lawfully due to the coke oven plant in relation to any period prior to the specified date;
- (c) “coking coal mine” means a coal mine in which there exists one or more seams of coking coal, whether exclusively or in addition to any seam of other coal;
- (d) “company” means a company as defined in section 3 of the Companies Act, 1956 (1 of 1956), and includes a foreign company within the meaning of section 591 of that Act;
- (e) “Custodian” means the person appointed under section 5 to take over the management of the coking coal mine;
- (f) “Government company” has the meaning assigned to it by section 617 of the Companies Act, 1956 (1 of 1956);
- (g) “managing contractor” means the person, or body of persons who, with the previous consent in writing of the State Government, has entered into an arrangement, contract or understanding, with the owner of the mine under which the operations of the mine are substantially controlled by such person or body of persons;
- (h) “mine” means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes—
  - (i) all borings and bore holes;
  - (ii) all shafts adjacent to, and belonging to, or in, a mine, whether in the course of being sunk or not;
  - (iii) all levels and inclined planes in the course of being driven;
  - (iv) all open cast working;
  - (v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
  - (vi) all lands, buildings, works, adits, levels,

planes, machinery and equipment, vehicles, railways, tramways and sidings adjacent to, and belonging to, or in, mine;

- (vii) all workshops belonging to, or in, a mine including buildings, machinery, instruments, stores, equipment of such workshops and the lands on which such workshops stand;
- (viii) all coal in stock or in transit or under production and other stores, stocks and instruments belonging to, or in, a mine;
- (ix) all power stations belonging to, or in, a mine or operated for supplying electricity for the purpose of working the mine or a number of mines under the same management;
- (x) all lands, buildings, and equipment adjacent to, or belonging to, or in, a mine where the washing of coal or manufacture of coke is carried on;
- (xi) all other assets, movable or immovable, belonging to a mine, whether within its premises or outside, including cash balances, reserve funds and investments in so far as they relate to the coking coal mine and also any money lawfully due to the coking coal mine in relation to any period prior to the appointed day;
- (i) "mining company" means a company owning a coking coal mine, and in relation, to a foreign company within the meaning of section 591 of the Companies Act, 1956 (1 of 1956), the undertaking of that company in India;
- (j) "notified order" means an order notified in the Official Gazette;
- (k) words and expressions used herein and not defined but defined in the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952), have the meanings respectively assigned to them in that Act;
- (l) words and expressions used herein and not defined in this Act or in the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952), but defined in the Mines Act, 1952, have the meanings respectively assigned to them in the Mines Act, 1952 (35 of 1952).

## CHAPTER II

### MANAGEMENT OF COKING COAL MINES

3. *Management of coking coal mines to vest in Central Government on the appointed day.*—(1) On and from appointed day, the management of all coking coal mines shall vest in the Central Government.

(2) The coking coal mines specified in the First Schedule shall be deemed, for the purposes of this Act, to be the coking coal mines the management of which shall vest, under sub-section (1), in the Central Government:

Provided that if, after the appointed day, any other coal mine is found, after an investigation made by the Coal Board, to contain coking coal, that Board shall make a declaration to that effect and on and from the date of such declaration, such mine shall be deemed, for the purposes of this Act,—

- (i) to vest in the Central Government; and
  - (ii) to be included in the First Schedule,
- and thereupon the provisions of this Act shall become applicable thereto subject to the modification that for the words "appointed day", wherever they occur, the words "the date of the declaration made by the Coal Board under sub-section (2) of section 3" shall be substituted.

4. *Management of coking coal mines pending the appointment of Custodian.*—(1) Pending the appointment of a Custodian under section 5 for any coking coal mine, the person in charge of the management of such mine immediately before the appointed day shall, on and from the appointed day, be in charge of the management of such mine for and on behalf of the Central Government; and the management of such mine shall be carried on by such person subject to the provisions contained in sub-sections (3) and (5) such directions, if any, as the Central Government may give to him and no other person including the owner shall, so long as such management continues, exercise any powers of management in relation to the coking coal mine.

(2) Any contract, whether express or implied, providing for the management of any coking coal mine, made before the appointed day between the owner of such mine and any person in charge of the management of such mine immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(3) No person in charge of the management of a coking coal mine shall, without the previous approval of the person specified by the Central Government in this behalf in respect of that mine (hereinafter referred to as the "authorised person"),—

- (a) incur any expenditure from the assets appertaining to the coking coal mine otherwise than for the purpose of making routine payments of salaries or commissions to employees, agents or for the purpose of meeting the routine day to day expenditure;
- (b) transfer or otherwise dispose of any such assets or create any charge, hypothecation, lien or other incumbrance thereon;
- (c) invest in any manner any monies forming part of such assets;
- (d) acquire any immovable property out of the monies forming part of such assets;
- (e) enter into any contract of service or agency, whether expressly or by implication, for purposes connected wholly or partly with the coking coal mine or vary the terms and conditions of any contract relating to any such transaction subsisting on the appointed day.

(4) The approval of the authorised person may be given either generally in relation to certain classes of transactions relating to the coking coal mine or specially in relation to any of its transactions.

(5) Every person in charge of the management of a coking coal mine shall deposit all securities and documents of title to any assets appertaining to such mine in any Scheduled Bank or Nationalised Bank in which the owner or agent had an account immediately before the appointed day or in any branch of the State Bank in the place where the head office or the principal office of the coking coal mine is situated or, where there is no branch of the State Bank in such place, the nearest branch of the State Bank; and no such security or document shall be withdrawn from the Scheduled Bank, the Nationalised Bank or the State Bank, as the case may be, except with the permission of the authorised person:

Provided that nothing contained in this sub-section shall apply to any security or document of title kept in trust with an Official Trustee in pursuance of the article of association of any mining company unless the Central Government, by notified order, otherwise directs.

*Explanation.*—In this sub-section,—

- (a) "Scheduled Bank" means a bank included for the

time being in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934);

(b) "State Bank" means the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(c) "Nationalised Bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).

(6) Every person in charge of the management of a coking coal mine shall deliver forthwith to the person specified in this behalf by the Central Government in respect of that coking coal mine, the following documents, namely:—

(a) the minute book or any other book in India containing all resolutions up to the appointed day of the persons in charge of the management of the coking coal mine before the appointed day;

(b) the current cheque books relating to the coking coal mine which are at head office or the principal office of the coking coal mine;

(c) all registers or other book, containing particulars relating to the investment of any monies appertaining to the coking coal mine including investments on mortgaged properties and all loans granted or advances made.

(7) Without prejudice to the generality of the powers conferred by sub-section (1) and the provisions contained in sub-section (3), (5) and (6), any direction issued under sub-section (1) may require the persons in charge of the management of the coking coal mine under this Act to furnish to the Central Government or to the authorised person such returns, statements and other information relating to the coking coal mine as may be mentioned in the direction.

(8) The persons in charge of the management of the coking coal mine under this Act shall be entitled to such remuneration, whether by way of allowance or salary or prerequisites as the Central Government may fix; and any such person may, by giving one month's notice in writing to the Central Government of his intention so to do, relinquish charge of the management of the coking coal mine.

**5. Power to Central Government to appoint Custodians to take over the management of coking coal mines.—**

(1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person as Custodian for the purpose of taking over the management of the coking coal mine and the person so appointed shall carry on the management of such mine and on behalf of the Central Government.

(2) (a) The Central Government may also appoint a person as the Custodian-General for exercising supervision and control over all the coking coal mines the management of which is taken over under this Act, and on such appointment, every Custodian, appointed under sub-section (1), shall act under the guidance, control and supervision of the Custodian-General.

(b) The Central Government may also appoint one or more persons as Additional Custodian-General or Deputy Custodian-General for assisting the Custodian-General in the exercise and duties under this Act and the Custodian-General may delegate all or such of his powers as he may think fit, to the Additional or Deputy Custodian-General.

(c) Every Additional or Deputy Custodian-General shall exercise the powers delegated to him under the control and supervision of the Custodian-General.

(3) On the appointment of a Custodian under sub-section (1), the charge of management of the coking coal mine shall vest in him and all persons in charge of the management of such mine immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver to the Custodian all assets, books of account, registers or other documents in their custody relating to the coking coal mine and any contract, whether express or implied, providing for the management of any coking coal mine, made before the appointed day between the owner of such mine and such persons, shall be deemed to have terminated on the date on which the Custodian is appointed.

(4) Nothing contained in section 4 shall apply to any coking coal mine the management of which has been taken over by the Custodian, but the Central Government may issue such directions to the Custodian as to his powers and duties as it deems desirable in the circumstances of the case, and the Custodian may apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of the coking coal mine or in relation to any matter arising in the course of such management.

(5) The Custodian shall receive from the funds of the coking coal mine for the charge of management of which he is appointed under sub-section (1) such remuneration as the Central Government may fix.

(6) The Custodian, the Custodian-General, Additional Custodian-General and Deputy Custodian-General shall hold office during the pleasure of the Central Government.

(7) The Central Government may, if it is of opinion that it is necessary so to do for the proper management of the coking coal mines, the management of which has vested in it under section 3, appoint a Government company, whether in existence at the commencement of this Act or incorporated after such commencement, as the Custodian of all the coking coal mines specified in the First Schedule, and all coke oven plants specified in the Second Schedule, and on such appointment, every person appointed as Custodian or the Custodian-General or Additional or Deputy Custodian-General under sub-section (1) or sub-section (2), as the case may be, shall vacate his office as such and deliver to the Government company, so appointed, all assets, books of account, registers or other documents in his custody relating to the coking coal mine or the coke oven plant, as the case may be.

(3) On the appointment of a Government company as Custodian the provisions of sub-sections (3), (4) and (5) shall apply to it as they apply to a Custodian appointed under sub-section (1).

**6. Payment of amount.—**(1) Every owner of a coking coal mine shall be given by the Central Government an amount, in cash, for vesting in it, under section 3, the management of such mine.

(2) For every month during the management of the coking coal mine remains vested in the Central Government, the amount referred to in sub-section (1) shall be computed at the rate of twenty-five paise per tonne of coal on the highest monthly production of coal from such mine during any month in the years 1968, 1969, 1970 and 1971:

Provided that if in relation to any such coking coal mine, there was no production of coal during the said years, the amount referred to in sub-section (1) shall be computed at the rate of five paise per tonne of such highest monthly coal producing capacity of the coking coal

mine, before the appointed day, as may be assessed and declared by the Coal Board:

Provided further that in relation to a coking coal mine, the operations of which were immediately before the appointed day under the control of a managing contractor, the amount, as computed under this sub-section, shall be apportioned between the owner of the coking coal mine and such managing contractor in such proportions as may be agreed upon by or between the owner and such contractor, and in the event of there being no such agreement, in such proportions as may be determined by the principal civil court of original jurisdiction within the local limits of whose jurisdiction the head office of the coking coal mine is situated.

### CHAPTER III

#### MANAGEMENT OF COKE OVEN PLANTS

7. *Management of coke oven plants to vest in the Central Government on the specified date.*—On and from such date as the Central Government may, by notified order, specify in this behalf (hereafter, in this Chapter, referred to as the "specified date"), the management of the coke oven plants specified in the Second Schedule shall vest in the Central Government.

8. *Payment of amount.*—(1) Every owner of coke oven plant specified in the Second Schedule and every owner of a coke oven plant which falls within the definition of coking coal mine, shall be given by the Central Government an amount, in cash, for vesting in it, under section 7 or section 3, as the case may be, the management of such coke oven plant.

(2) For every month during which the management of the coke oven plant remains vested in the Central Government, the amount referred to in sub-section (1) shall be computed at the rate of—

(a) seventy-five paise per tonne of by-product coke; and

(b) fifty five paise per tonne of beehive coke,

on the highest monthly production of coke from such coke oven plant during the month in the years 1968-1969, 1970 and 1971.

(3) For the avoidance of doubts, it is hereby declared that the owner of a coke oven plant, the management of which has vested in the Central Government under section 3, shall be given, in addition to the amount payable under section 6, such amount as is referred to in sub-section (1).

9. *Provisions of sections 4 and 5 and sections 10 to 20 to apply to this Chapter.*—The provisions of sections 4 and 5 and sections 10 to 20 (both inclusive) shall apply to a coke oven plant, the management of which has vested in the Central Government under section 7, as they apply to a coking coal mine, and references therein to a coking coal mine and the appointed day shall be construed, unless the context otherwise requires, as references, respectively, to a coke oven plant and the specified date.

### CHAPTER IV

#### MISCELLANEOUS

10. *Penalties.*—If any person—

(a) fails to deliver to the Custodian any assets, books of account, registers or any other document in his custody relating to the coking coal mine in respect of the management of which the Custodian has been appointed, or

(b) retains any property of such coking coal mine or remove or destroys it, or

(c) fails to comply with the provisions contained in sub-section (3) or sub-section (5) or sub-section (6) of section 4, or

(d) fails to comply with any directions issued under sub-section (1) or sub-section (4) of section 5, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

11. *Offences by Companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(d) 'director', in relation to a firm, means a partner in the firm.

12. *Mining companies not to be wound up by Court.*—No proceeding for the winding up of a mining company, the management of whose coking coal mines has vested in the Central Government under this Act or for the appointment of a Receiver in respect of such business, shall lie in any Court except with the consent of the Central Government.

13. *Exclusion of period of operation of the Act for computing period of limitation.*—In computing the period of limitation prescribed by law for the time being in force for any suit for application against any person by a mining company in respect of any matter arising out of any transaction in relation to the coking coal mine, the time during which this Act is in force shall be excluded.

14. *Effect of Act on other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any Court:

15. *Delegation of powers.*—(1) The Central Government may, by notified order, director that all or any of the powers exercisable by it under this Act may also be exercised by any person or persons as may be specified in the order.

(2) Whenever any delegation of power is made under sub-section (1) the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

**16. Protection of action taken in good faith.**—(1) No suit, prosecution or other legal proceeding shall lie against the Custodian-General, Additional Custodian General, Deputy Custodian-General, any Custodian or authorised person in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian-General, Additional Custodian-General, Deputy Custodian-General any Custodian or authorised person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

**17. Contracts, etc. in bad faith may be cancelled or varied.**—(1) If the Central Government is satisfied after such inquiry as it may think fit, that any contract or agreement entered into, at any time within twelve months immediately preceding the appointed day, between the owner or agent of a coking coal mine and any other person, has been entered into in bad faith and is detrimental to the interests of the coking coal mine, make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) the contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the principal court of civil jurisdiction within the local limits of whose jurisdiction the head office of the coking coal mine is situated for the variation or reversal of such order and thereupon such court may, confirm, modify or reverse such order.

**18. Power to terminate contract of employment.**—If the Custodian is of opinion that any contract of employment entered into by any owner or agent of a coking coal mine, at any time before the appointed day, is unduly onerous, he may, by giving to the employee one month's notice in writing of the salary or wages for one month in lieu thereof, terminate such contract of employment.

**19. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which the coking coal mines will

be managed by the Custodians, under the control and supervision of the Custodian-General:

(b) the constitution of a Board of Management, by whatever name called, for advising the Custodian-General in the management of the coking coal mines;

(c) the form and manner in which accounts of the coking coal mines shall be maintained;

(d) any other matter in relation to which such rule is required to be, or may be, made.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session or in a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**20. Coking coal mines to which the Act shall not apply.**—Nothing in this Act shall apply to any coking coal mine—

(a) owned or managed by a Government company or corporation owned or controlled by Government;

(b) owned or managed by a company engaged in the production of iron or steel:

Provided that this section shall not extend to such mine or part thereof which, in the opinion of the Central Government, is in excess of the requirement for the production of iron and steel by that company.

**21. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

**22. Repeal and savings.**—(1) The Coking Coal Mine (Emergency Provisions) Ordinance, 1971, (12 of 1971) is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken or any appointment, declaration or order made under the Ordinance so repealed, shall be deemed to have been done, taken or made, as the case may be, under the corresponding provisions of this Act.

### THE FIRST SCHEDULE

[See section 3(2)]

Sl. No.	Name of the mine	Location of the mine	Name and address of the owners of the mine
1	2	3	4
<b>A. EAST BOKARO COALFIELD</b>			
1.	Dhori	Post Office Bermo, District Hazaribagh	Ownership under dispute
2.	Kalyani Selected Dhori	Post Office Pichri, District Hazaribagh	Gauri Shankar and others, Post Office Bermo, Hazaribagh.
3.	Khas Dhori	Post Office Pichri, District Hazaribagh	Khas Dhori Colliery Company, Post Office Katrasgarh, Dhanbad.
4.	Pipradih	Post Office Gomia, District Hazaribagh	Pacific Company, Post Office Gomia, District Hazaribagh.

1	2	3	4
5. Pichri	Post Office Pichri, District Hazaribagh	Pichri Coal Company Limited, Post Office Bermo, Hazaribagh.	
6. Selected Dhori	Post Office Bermo, District Hazaribagh	Selected Dhori Colliery, Post Office Katrasgarh, Dhanbad.	
7. Turiyo	Post Office Turio, District Hazaribagh	Bhubaneswar Singh and Sivdayal, Post Office Jharia, Dhanbad.	
8. Tarmi	Post Office Turiyo, District Hazaribagh	Tarmi Colliery Company, Industrial Bank Building, Post Office Jharia, Dhanbad.	
B. JHARIA COALFIELD			
1. Albion	Post Office Karmatand	Albion Colliery Comapny, Post Office Karmatand, Dhanbad.	
2. Bokaro Jharia	Post Office Karmatand	Messrs. Agrawalla Brothers, Post Office Karmatand, Dhanbad.	
3. North Damuda	Post Office Nudkhurkee.	Hazaribagh Coal Syndicate (Private) Limited, Post Office Jharia, Dhanbad.	
4. Kesurgarh	Post Office Nudkhurkee	Manbhoom Coal Syndicate Limited, Post Office Jharia, Dhanbad.	
5. Madhuband	Post Office Nudkhurkee	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta.	
6. Khas Benedih	Post Office Nawagarh	K. C. Mukherjee and others, Post Office Hirapur, Dhanbad.	
7. Benedih	Post Office Nudkhurkee	Benedih Coal Concern, Post Office Katras, Dhanbad.	
8. Khas Ganeshpur	Post Office Nawagarh	Khas Ganeshpur Coal Mines Limited, 135, Canning Street, Calcutta.	
9. Ganeshpur	Post Office Nawagarh	Ganeshpur Coal Company Limited, Post Office Ganeshpur, Dhanbad.	
10. Ashakuti Phularitand	Post Office Kharkharee	Ashakuti Coal Company Limited, 1/1 Rowland Road, Calcutta-20.	
11. Mohanpur	Post Office Kharkharee	Shrimati Parbati Devi, Post Office Kharkharee, Dhanbad.	
12. New Bansjora	Post Office Kharkharee	S. K. Sahana and Sons (Private) Limited, Post Office Kharkharee, Dhanbad.	
13. Khas Bhurungiya	Post Office Mohuda	Khas Bhurungiya Coal Company, Post Office Jharia, Dhanbad.	
14. Raneedih/Pipratand	Post Office Mohuda	Sri K. K. Sablok, c/o Sudarsan Motors, Post Office Dhansar, Dhanbad.	
15. East Macheradih	Post Office Mohuda	East Macheradih Coal Company Limited, Post Office Jharia, Dhanbad.	
16. New Huntodih	Post Office Mohuda	Doulatmul Roumal, 178, Mahatma Gandhi Road, Calcutta-1.	
17. Murulidih	Post Office Mohuda	Kalyanji Mavji and Company, 14, Netaji Subhas Road, Calcutta-1.	
18. Murulidih 20 and 21 pits.	Post Office Mohuda	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	
19. Bhatdee	Post Office Mihuda	Bengal Bhatdee Coal Company Limited, 14, Netaji Subhas Road, Calcutta-1.	
20. Kharkharee	Post Office Kharkharee	Bharat Mining Corporation Limited, 91, Stephen House, Dalhousie Square East, Calcutta-1.	
21. New Sinidih	Post Office Kharkharee	Messrs Bamandiha Coal Company, 3, Synagogue Street, Calcutta.	
22. Dharmaband	Post Office Katrasgarh	H.M. Barat and M. C. Barat, Post Office Katrasgarh, Dhanbad.	
23. New Dharmaband	Post Office Malkera	Sethia Mining and Manufacturing Company Limited, 4, Bakul Bagan Road, Calcutta.	
24. Maheshpur	Post Office Katrasgarh	Messrs Sahu Minerals and Properties Limited, A-3 Prithviraj Road, Jaipur.	
25. Sinidih	Post Office Katrasgarh	Sinidih Colliery Concern (Private) Limited, Post Office Katrasgarh, Dhanbad.	
26. Tundoo Khas	Post Office Tundoo	J. P. Lalla and Sons Collieries (Private) Limited, Post Box No. 76, Dhanbad.	
27. Bilbera	Post Office Katrasgarh	B. N. Mondal and Company, 22, Canning Street, Calcutta.	
28. Jealgora Gobindpur	Post Office Sonardih	Jealgora Gobindpur Colliery Company Limited, Post Office Sonardih, Dhanbad.	
29. South Gobindpur	Post Office Katrasgarh	H. I. Pathak Post Office Katrasgarh, Dhanbad.	
30. Diamond Tetturiya	Closed	Bihar Collieries Limited.	

1	2	3	4
31.	Central Tenturiya	Post Office Malkera	Sri Tarapada Lodha and thers, Post Office Katrasgarh, District Dhanbad.
32.	New Tentulia	Post Office Malkera	Tentulia khas Colliery Company Limited, 25 Brabourne Road, Calcutta.
33.	Central Kooridih-Sonardih	Post Office Katrasgarh	Central Kooridih Colliery Company, Post Office Katrasgarh, Dhanbad.
34.	New Gobindpur	Post Office Sonardih	New Gobindpur Coal Company Limited, 33 Canning Street, Calcutta-1.
35.	Khas Mehtadih	Post Office Katrasgarh	Messrs Khas Mehtadih Colliery Company, Post Office, Katrasgarh, Dhanbad.
36.	Agardih	Post Office Katrasgarh	Agardih Colliery Company, Post Office Katrasgarh, District Dhanbad.
37.	Katras Choitodih	Post Office Katrasgarh	Burrakar Coal Company Limited, Chartered Bank Building, Calcutta.
38.	Lakurka	Post Office Katrasgarh	Lakurka Coal Company Limited, 3, Synagogue Street, Calcutta.
39.	K. Gudih	Post Office Katrasgarh	East Katrasgarh Colliery Company (Private) Limited, Post Office Katrasgarh, Dhanbad.
40.	Khas Gobindpur	Post Office Katrasgarh	Khas Gobindpur Coal Company (Private) Limited, Post Office Katrasgarh, Dhanbad.
41.	East Katras	Post Office Katrasgarh	East Katrasgarh Colliery Company (Private) Limited, Post Office Katrasgarh, Dhanbad.
42.	East Salanpur	Post Office Katrasgarh	East Salanpur Colliery Company, Post Office Katrasgarh, Dhanbad.
43.	Joint Salanpur	Post Office Katrasgarh	Not available.
44.	Khas Salanpur	Post Office Katrasgarh	Not available.
45.	New Salanpur	Post Office Katrasgarh	Sahai Brothers (Receiver H.S Sahai), Post Office Katrasgarh Dhanbad.
46.	Selected Salanpur	Post Office Katrasgarh	Selected Salanpur Colliery Company, Post Office Katrasgarh, Dhanbad.
47.	Central Salanpur	Post Office Katrasgarh	Central Salanpur Coal concern, Post Office Katrasgarh Dhanbad.
48.	Lakurka Khas	Post Office Katrasgarh	Bharats Debuttar Estate, Post Office Katrasgarh, Dhanbad.
49.	Salanpur	Post Office Katrasgarh	Shrimati Sarojini Devi, Post Office Katrasgarh, Dhanbad.
50.	New Lakurka	Post Office Katrasgarh	New Lakurka Colliery Company, Post Office Katrasgarh, Dhanbad.
51.	National Angarpathra	Post Office Katrasgarh	National Coal Company (Private) Limited, 48/1, Ram Tarun Bose Lane, Calcutta-6.
52.	Union Angarpathra	Post Office Sijua	Union Coal Company Limited, 135, Biplabi Rash Behari Basu Road, Calcutta-1.
53.	Gaslitan	Post Office Sijua	New Manbhumi Coal Company, 138 Biplabi Rash Behari Basu Road, Calcutta-1.
54.	Ramkanali	Post Office Katrasgarh	Bijali Kanti Roy, Keshalpur House Post Office Katrasgarh, Dhanbad.
55.	Tugmait Angarpathra	Post Office Katrasgarh	East Angarpathra Colliery Company Limited Post Office Katrasgarh, Dhanbad.
56.	Kanta Pahari	Post Office Katrasgarh	East Angarpathra Colliery Company Limited Post Office Katrasgarh, Dhanbad.
57.	Khas Angarpathra	Post Office Katrasgarh	East Angarpathra Colliery Company Limited, Post Office Katrasgarh, Dhanbad.
58.	Jharia Khas	Post Office Katrasgarh	East Angarpathra Colliery Company Limited, Post Office Katrasgarh, Dhanbad.
59.	East Angarpathra	Post Office Katrasgarh	East Angarpathra Colliery Company Limited, Post Office Katrasgarh, Dhanbad.
60.	Mahabir Angarpathra	Post Office Katrasgarh	East Angarpathra Colliery Company Limited Post Office Katrasgarh, Dhanbad.
61.	Diamond Angarpathra	Post Office Katrasgarh	Diamond Angarpathra Colliery Company, Post Office Katrasgarh, Dhanbad.
62.	Mudidih	Post Office Sijua	Burrakar Coal Company, Chartered Bank Building, Calcutta.
63.	Badrachuk	Post Office Sijua	Burrakar Coal Company, Chartered Bank Building, Calcutta.
64.	Jogta	Post Office Sijua	Jogta Coal Company Limited, Post Office Sijua Dhanbad.
65.	Sendra	Post Office Bansjora	Messrs. Hind Shipper's Limited, 135, Biplabi Rash Behari Basu Road, Calcutta-1.
66.	Sendra Bansjora-Gopal Gararia	Post Office Bansjora	Sendra Bansjora Colliery Company (Private) Limited, 135, Canning Street, Calcutta-1.

1	2	3	4
67.	Kankanee	Post Office Bansjora	Oriental Coal Company Limited, 25 Brabourne Road, Calcutta.
68.	Loyabad	Post Office Bansjora	Burrakar Coal Company Limited, Chartered Bank Building, Calcutta-1.
69.	Pootkee	Post Office Kusunda	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta.
70.	Gupalichuck (West)	Post Office Kusunda	Central Kirkend Coal Company Limited, 91, Stephen House, Dalhousie Square East, Calcutta-1.
71.	Central Kirkend	Post Office Kusunda	Central Kirkend Coal Company Limited, 91, Stephen House, Dalhousie Square East, Calcutta-1.
72.	Motiram Kirtenk	Post Office Kusunda	Motiram Roshanlal Coal Company (Private) Limited, Kusunda, Dhanbad.
73.	Khas Kirkend	Post Office Kusunda	Bhūramal Agarwal, Post Office Dhansar, Dhanbad.
74.	Roy Kirkend	Post Office Kusunda	The New Marine Coal Company (Bengal) Limited, 111, Chittaranjan Avenue, Calcutta.
75.	New Marine	Post Office Kusunda	The New Marine Coal Company (Bengal) Limited, 111, Chittaranjan Avenue, Calcutta.
76.	Ekra Khas	Closed	Sahu Minerals and Properties.
77.	Bansdeopur	Post Office Kusunda	New Bansdeopur Coal Company Limited, 28-B, Netaji Subhas Road, Calcutta.
78.	North Ekra	Post Office Bansjora	North Ekra Coal Company, Post Office Bansjora, Dhanbad.
79.	Gararia	Post Office Bansjora	The Gararia Colliery Company (Private) Limited, Post Office Bansjora, Dhanbad.
80.	Central Gararia	Post Office Bansjora	Central Gararia Colliery Company, Post Office Bansjora, Dhanbad.
81.	Garain	Post Office Bansjora	Tikmani and Company, Post Office Bansjora, Dhanbad.
82.	Chhota Bowa	Post Office Bansjora	Chhota Bowa Colliery Company Limited, Post Office Bansjora, Dhanbad.
83.	Busseriya	Post Office Kusunda	Busseriya Coal Company (Private) Limited, 13, Radha-bazar Lane, Calcutta-1.
84.	East Ekra	Post Office Bansjora	East Ekra Coal Company, c/o K. Worah, Jora Bangalow, Dhanbad.
85.	Busseriya North and South	Post Office Bansjora	Not available—Mine closed.
86.	North Busseriya	Post Office Bansjora	North Busseriya Colliery Company, Post Office Bansjora, Dhanbad.
87.	Surendra East Loyabad	Post Office Kirkend	Surendra East Loyabad Colliery Company, Post Office Kusunda, Dhanbad.
88.	Gondudih	Post Office Kusunda	Central Alkusa Colliery Company, Post Office Kusunda Dhanbad.
89.	Dhariajoba	Post Office Kirkend	Not available—Mine closed.
90.	West Godhur	Post Office Kusunda	H. D. Agarwalla and Sons (P) Ltd., Post Office Jharia, Dhanbad.
91.	Godhur	Post Office Kusunda	Godhur Colliery Company, Post Office Kusunda, Dhanbad.
92.	Pure Kustore	Post Office Kusunda	Pure Kustore Colliery Company Limited, Post Office Kusunda, Dhanbad.
93.	Nayadee Kusunda	Post Office Kusunda	Kusunda Nayadee Colliery Company, (Private) Limited, Post Office Kusunda, Dhanbad.
94.	Kusunda	Post Office Kusunda	Not available—Area on Fire—Closed.
95.	West Bhuggutdih	Post Office Jharia	Amalgamated with West En (97).
96.	Industry	Post Office Dhansar	Kalyanji Mavji and Company, Post Office Dhansar, Dhanbad.
97.	West Eha	Post Office Dhansar	Kalyanji Mavji and Company, Post Office Dhansar, Dhanbad.
98.	Kendwadih	Post Office Kusunda	East India Coal Company Limited, Post Office Jealgora, Dhanbad.
99.	Balihari C.T.C.	Post Office Kusunda	Not available.
100.	Kutchi Ballihari	Post Office Kusunda	Ballihari Colliery Company (Private) Ltd., 14, Netaji Subhas Road, Calcutta-1.
101.	South Bulliary	Post Office Kusunda	East India Coal Company Limited, Post Office Jealgora, Dhanbad.
102.	Bhagaband	Post Office Bhagaband	The Borrea Coal Company Limited, Chartered Bank Building, Calcutta-1.
103.	Kendwadih	Post Office Bhaga	Equitable Coal Company Limited, 2/1, Lord Sinha Road, Calcutta.
104.	Gonshadih	Post Office Kusunda	Shri Biswanath Roy, Keshalpur House, Post Office Katrasgarh, Dhanbad.
105.	Alkusa South	Post Office Kustore	Raneegunge Coal Association Limited, 3-A, Chowringhee Place, Calcutta-13.

1	2	3	4
106.	Kustore	Post Office Kustore	Raneegunge Coal Association Limited, 3-A, Chowringhee Place, Calcutta-13.
107.	Burrargarh	Post Office Jharia	Raneegunge Coal Association Limited, Chowringhee Place, Calcutta-13.
108.	Pure Burrargarh	Post Office Jharia	Raneegunge Coal Association Limited, 3-A, Chowringhee Place, Calcutta-13.
109.	Bhutgoria	Post Office Bhaga	Equitable Coal Company Limited, 1/2, Lord Sin Road, Calcutta-16.
110.	Hurriladih	Post Office Bhaga	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.
111.	Simlabahal	Post Office Jharia	Shri P. Roy, Director and nominated owner, Bhalgora Coal Company, 3, Synagogue Street, Calcutta.
112.	Bhuggatdih	Post Office Dhansar	Bengal Nagpur Coal Company, 5, Synagogue Road, Calcutta-1.
113.	Ena	Post Office Dhansar	North West Coal Company Limited, 5, Synagogue Road, Calcutta-1.
114.	East Bhalgora	Post Office Jharia	East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.
115.	Khas Jharia	Post Office Jharia	East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.
116.	East Ena	Post Office Jharia	East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.
117.	East Bhuggatdih	Post Office Jharia	East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.
118.	Selected Khas Jharia	Post Office Jharia	East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.
119.	Selected Jharia	Post Office Jharia	East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.
120.	Bhalgora	Post Office Jharia	Bhalgora Coal Company Limited, 3, Synagogue Street, Calcutta-1.
121.	Selected Model Jharia	Post Office Jharia	Amalgamated with East Bhuggatdih (117).
122.	New Khas Jharia	Post Office Jharia	Fularibad Colliery Company, Post Office Jharia, Dhanbad.
123.	Fularibad	Post Office Jharia	Fularibad Colliery Company, Post Office Jharia, Dhanbad.
124.	New Pure Jharia	Post Office Jharia	D.D. Thackher and Sons, Post Office Dhanbad, Closed. On fire.
125.	Rajapur	Post Office Jharia	The Rajapur Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.
126.	Khas Bhuggatdih	Post Office Jharia	Khas Bhuggatdih Colliery Company, Post Office Jharia, Dhanbad.
127.	Pure Jharia	Post Office Jharia	D.D. Thackher and Sons, Post Office Dhanbad. Closed. On fire.
128.	K.P. Dobari	Post Office Jharia	K. P. Dobari, Post Office Jharia.
129.	South Jharia	Post Office Jharia	J. K. Banerjee and Other, Post Box No. 46, Hirapur, District Dhanbad.
130.	East Pure Jharia	Post Office Jharia	Not available.
131.	Dobari	Post Office Jharia	R. N. Bagchi and Brothers, 5/8, Middle Row, Calcutta.
132.	East Model Jharia	Post Office Jharia	Not available.
133.	Model Jharia	Post Office Jharia	J. K. Banerjee and Others, Post Box No. 46, Hirapur, District Dhanbad.
134.	Golden Jharia	Post Office Jharia	Bharat Fire Bricks and Pottery Works.
135.	Fatehpur	Post Office Jharia	Bharat Fire Bricks and Pottery Works, Jharia.
136.	Pure Durgapur	Post Office Jharia	Bharat Fire Bricks and Pottery Works, Jharia.
137.	Khas Jharia	Post Office Jharia	Fularibad Colliery Company, Post Office Jharia, Dhanbad.
138.	Sonalibad	Post Office Jharia	Fularibad Colliery Company, Post Office Jharia, Dhanbad.
139.	Ganhoodih	Post Office Jharia	S. B. Banerjee and Sons, Post Office Jharia, Dhanbad.
140.	East Jharia	Post Office Jharia	Not available.
141.	K. P. Kujama	Post Office Jharia	Kujama Colliery Company, Post Office Jharia, Dhanbad.
142.	Kujama	Post Office Jharia	Kujama Colliery Company, Post Office Jharia, District Dhanbad.
143.	North Kujama	Post office Jharia	Ganji Dossa and Company, Post Office Jharia, Dhanbad.
144.	Central Kujama	Post Office Jharia	Central Kujama Coal Concern, Post Office Jaharia, Dhanbad.

1	2	3	4
145.	Nanji Kujama	Post Office Jharia	Central Kujama Coal Concern, Post Office Jharia, Dhanbad.
146.	Pandebera	Post Office Jharia	Central Kujama Coal Concern, Post Office Jharia, Dhanbad.
147.	Pure Kujama	Post Office Jharia	Central Kujama Coal Concern, Post Office Jharia, Dhanbad.
148.	Kujama Pandabera	Post Office Jharia	Central Kujama Coal Concern, Post Office Jharia, Dhanbad.
149.	South Kujama	Post Office Jharia	Bagdigi Kujama Collieries Company (1948) Limited, Post Office Jharia, Dhanbad.
150.	Goluckdih	Post Office Jharia	Goluckdih Colliery Company, 22, Burtolla Street, Calcutta.
151.	South Goluckdih	Post Office Jharia	South Goluckdih Coal Company, Post Office Jharia, Dhanbad.
152.	Central Jharia	Post Office Jharia	Messrs. Khimji Dosa and Sons, Post Office Jharia, Dhanbad.
153.	Indian Jharia	Post Office Jharia	Messrs. Khimji Dossa and Sons, Post Office Jharia, Dhanbad.
154.	Lower Upper Jharia	Post Office Jharia	Khimji Dossa and Sons, Post Office Jharia, Dhanbad.
155.	Central Tisra	Post Office Jharia	Shri K. D. Singh, Post Office Jharia, Post Box No. 111, Dhanbad.
156.	Tisra	Post Office Jharia	Dhanji Devji and Sons, Post Office Jharia, Dhanbad.
157.	Tisra	Post Office Jharia	The Diamond Coal Company (Private) Limited, Post Office Jharia, Dhanbad.
158.	Tisra	Post Office Jharia	Amatsing Gowamal and Sons, Post Box No. 47, Jharia, Dhanbad.
159.	Sree Commercial	Post Office South Tisra	Bengal Jharia Colliery Company (Private) Limited, Post Office South Tisra, Dhanbad.
160.	Bengal Jharia	Post Office South Tisra	Bengal Jharia Colliery Company (Private) Limited, Post Office South Tisra, Dhanbad.
161.	East India	Post Office Jeenagora	Part of Khas Joyrampur.
162.	South Tisra	Post Office Tisra	South Tisra Colliery Company Limited, Post Office Jharia, Dhanbad.
163.	Khas Joyrampur	Post Office Khas Jeenagora	Khas Joyrampur Colliery Company, Post Office Khas Jeenagora, Dhanbad.
164.	Kalishthan Jeenagora	Post Office Khas Jeenagora	K. B. Seal and Sons, 28, Rajha K. L. Goswami Street, Post Office Serampur, District Hoogly (West Bengal).
165.	Lower Joyrampur	Post Office Jeenagora	Part of Khas Joyrampur.
166.	New Jeenagora	Post Office Khas Jeenagora	Khas Jeenagora Colliery Limited, 135, Biplabi Rash Behari Basu Road, Calcutta-1.
167.	Central Jeenagora	Post Office, Khas Jeenagora	Khas Jeenagora Colliery Limited, 135, Biplabi Rash Behari Basu Road, Calcutta-1.
168.	Bararee Joyrampur	Post Office Jeenagora	Not available.
169.	Pure Joyrampur	Post Office Khas Jeenagora	Amalgamated with Khas Joyrampur.
170.	North Bararee Jeenagora	Post Office Jeenagora	Part of Central and New Jeenagoras.
171.	Khas Jeenagora	Post Office Khas Jeenagora	Khas Jeenagora Colliery Limited, 135, Biplabi Rash Behari Basu Road, Calcutta-1.
172.	East Barraree	Post Office Khas Jeenagora	Jeenagora East Barraree Colliery Company, Post Office Katrasgarh, Dhanbad.
173.	Sri Jeenagora	Post Office Khas Jeenagora	Jeenagora East-Barrare Colliery Company, Post Office Katrasgarh Dhanbad.
174.	New Suratand	Post Office Jharia	Not available.
175.	Kalishthan Suratand	Post Office Jharia	K. B. Seal and Sons, Post Office Jharia, Dhanbad.
176.	Niluri Patra	Post Office Jharia	Niluri Patra, Post Office Jharia, Dhanbad.
177.	North Burrakar Suratand	Post Office Jharia	The New Standard Coal Company (Private) Limited, 27, Palace Court, 1, Kyd Street, Calcutta-16.
178.	North Burakar Lodna	Post Office Jharia	The New Standard Coal Company, (Private) Limited, 27, Palace Court, 1, Kyd Street, Calcutta-16.
179.	Lodna	Post Office Jharia	The New Standard Coal Company (Private) Limited, 27, Palace Court, Kyd Street, Calcutta-16.
180.	Standard Bhaga	Post Office Bhaga	Standard Coal Company, Post Office Bhaga, Dhanbad.
181.	Loda	Post Office Jharia	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta.
182.	Madhuban Lodna	Post Office Jharia	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta.
183.	Bagdigi	Post Office Jharia	Lodna Colliery Company (1920) Limited, Post Office Jharia, Dhanbad.
184.	Jealgora	Post Office Jealgora	East India Coal Company Limited, Post Office Jealgora, Dhanbad.

1	2	3	4
185.	Bararee	Post Office Jealgora	East India Coal Company Limited, Post Office Jealgora, Dhanbad.
186.	Bhulanbararee	Post Office Patherdih	Bhulanbararee Coal Company Limited, 4, Clive Road, Calcutta-1.
187.	Lachmi	Post Office Patherdih	Lachmi Coal Company, 31, Mullick Street, Calcutta.
188.	Almabed	Post Office Bhowrah	Oriental Coal Company Limited, Thapar House, 25, Brabourne Road, Calcutta-1.
189.	Bhowrah North	Post Office Bhowrah	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta-1.
190.	Bhowrah South	Post Office Bhowrah	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta-1.
191.	Mohalbani	Post Office Bhowrah	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta-1.
192.	Central Bhowrah	Post Office Bhowrah	Central Bhowrah Coal Company, Post Office Jharia, Dhanbad.
193.	Sitanala	Post Office Bhojudih	Mohatta Brothers, 19, British Indian Street, Calcutta-1.
194.	East Bhowra	Post Office Patherdih	Shrimati Jyotsen Devi, Post Office Sitarampur, District Burdwan.
195.	East Sowardih	Post Office Patherdih	J. N. Supakar Brothers and Company, Post Office Dhanbad.
196.	Patherdih	Post Office Patherdih	Patherdih Sudamdih Colliery (Private) Limited, Post Office, Patherdih, Dhanbad.
197.	New Sudamdih	Post Office Patherdih	New Sudamdih Colliery Company, Post Office Patherdih Dhanbad.
198.	Selected Patherdih	Post Office Patherdih	Selected Patherdih Coal Company Limited, 12, Tara-chand Dutta Street, Calcutta-1.
199.	New Chasnalla	Post Office Jharia	New Chasnalla Coal Concern, Post Office Jharia, Dhanbad.
200.	Pure Chasnalla	Post Office Patherdih	Pure Chasnalla Colliery Company, 192, Cross Street, Calcutta-7.

## C. RANEEGUNGE COALFIELD

1.	Junkundar	Post Office Chirkunda, District Dhanbad.	D. Mondal and Company, Limited, Post Office Dishgarh, District Burdwan, West Bengal.
2.	Laikdih Deep	Post Office Chirkunda, District Dhanbad.	Katras-Jharia Coal Company Limited, 8, Clive Row, Calcutta-1.
3.	Chanch	Post Office Chirkunda, District Dhanbad.	Bengal Coal Company, Limited, 8, Clive Row, Calcutta-1.
4.	Victoria	Post Office Kulti, District Burdwan.	New Birbhoom Coal Company Limited, 8, Clive Row, Calcutta-1.
5.	Victoria West	Post Office Kulti, District Burdwan.	New Birbhoom Coal Company Limited, 8, Clive Row, Calcutta-1.
6.	Begunia	Post Office Barakar, District Burdwan.	Messrs. K. C. Thapar and Brothers (Private) Limited, 25, Brabourne Road, Calcutta.

## THE SECOND SCHEDULE

(See section 7)

Sl. No.	Name of the coke oven plant	Location of the coke oven plant	Name and address of the owners if the coke oven plant
1	2	3	4
1.	Bararee Coke Plant	South Baliary-Kendwadih Colliery, Post Office Kusunda, District Dhanbad.	Bararee Coke Company Limited, 4, Clive Row, Calcutta-1.
2.	Bhowra Coke Plant	Bhowra South Colliery, Post Office Bhowra, District Dhanbad.	Messrs. Bhowra Coke Company, Bhattacharya's House, Lubi Circular Road, Dhanbad.
3.	Bhulanbararee	Bhulanbararee Colliery, Post Office Patherdih, District Dhanbad.	Bararee Coke Company Limited, 4, Clive Row, Calcutta-1.
4.	Central Bhowra	Central Bhowra Colliery Post Office Bhowra, District Dhanbad.	Central Bhowra Coal Company (Private) Limited Post Office Jharia, and G. D. Kumar and Sons, Bastacolla, Post Office Dhansar, Dhanbad.
5.	Central Kooridih	Kooridih-Sonardih Colliery Post Office Katrasgarh, Dhanbad.	Shivram Singh and Company (Private) Limited, Post Office Katrasgarh, District Dhanbad.

1	2	3	4
6.	Junkundar Valley Beehive Coke Plant.	Junkundar Colliery, Post Office Chirkunda, District Dhanbad.	D. Mondal and Company Limited, Panchayat Road, Post Office Chirkunda, District Dhanbad.
7.	New Gobindpur	New Gobindpur Colliery, Post Office Sonardih, District Dhanbad.	Ghosh's Estate Private Limited, 33, Canning Street, Calcutta-1.
8.	New Standard Lodna	New Standard Colliery, Post Office Jharia, District Dhanbad.	Messrs Singh Sachdeva, Post Office Dhansar, Dhanbad.
9.	New Sudamdih	New Sudamdih Colliery, Post Office Patherdih, District Dhanbad.	Sanjive Coke Manufacturing Company, Care of H.D. Adjmera, Post Office Patherdih, District Dhanbad.
10.	North Kujama	North Kujama Colliery, Post Office Jharia, Dhanbad.	Beehive Hard Coke Manufacturing Company, Chowra Construction Company (Private Limited, 111, Central Avenue, Calcutta.
11.	Ramkanaly	Ramkanaly Colliery, Post Office Katrasgarh, District Dhanbad.	Bijali Kanti Roy, Keshalpur House, Post Office Katrasgarh, Dhanbad, and M. C. Coal Company, Post Office Jharia Dhanbad.
12.	Union Angarpathra	Union Angarpathra Colliery, Post Office Katrasgarh, District Dhanbad.	Satyadeo Singh Coal Company (Private) Limited, 138, Bipalabi Rash Behari Basu Road, Calcutta-1.

Assented to on 23-12-1971

# THE ASIAN REFRACTORIES LIMITED (ACQUISITION OF UNDERTAKING

ACT, 1971

ACT No. 65 OF 1971

AN

ACT

to provide for acquisition of the undertaking of the Asian Refractories Limited for the purposes of augmenting supplies of refractories to meet the essential requirements of the iron and steel industry.

WHEREAS the Asian Refractories Limited is in liquidation and has stopped its production;

AND WHEREAS the total production of refractories in India is inadequate and insufficient to meet the essential requirements of the iron and steel industry;

AND WHEREAS the supplies of refractories can be augmented by speedily bringing the Asian Refractories Limited into operation and expanding its capacity thereafter;

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Asian Refractories Limited (Acquisition of Undertaking) Act, 1971.

(2) It shall be deemed to have come into force on the 17th day of October, 1971.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 17th day of October, 1971;

(b) "company" means the Asian Refractories Limited, being a company as defined in the Companies Act, 1956 (1 of 1956), having its registered office in the State of West Bengal;

(c) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956) have the meanings respectively assigned to them in that Act.

*Undertaking of the Company to vest in the Central Government.*—On and from the appointed day, the undertaking of the company shall, by virtue of this Act, be transferred to, and shall vest in, the Central Government, free from all incumbrances.

4. *General effect of vesting.*—(1) The undertaking of the company shall be deemed to include all assets

rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the company, whether within or outside India, and all books of accounts, registers and all other documents of whatever nature relating thereto.

(2) All property included as aforesaid in the undertaking which has vested in the Central Government under section 3 shall, by force of such vesting, be free and discharged from any trusts, obligations, mortgages, charges, liens and other incumbrances, affecting it, and any attachment, injunction or any decree or order of any court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) If on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertaking of the company is pending by or against the company, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the company or any thing contained in this Act but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the company.

5. *Duty to deliver possession of the undertaking and documents relating thereto.*—(1) Notwithstanding any decree, judgement or order of any court or anything contained in any other law for the time being in force, the Official liquidator of the company or any other person, in whose possession or custody or under whose control the undertaking of the company or any part thereof may be, shall deliver possession of the undertaking of the company or such part thereof as the case may be, to the Central Government forthwith.

(2) The Official Liquidator or any other person who has, on the appointed day, in his possession or under his control any books, documents or other papers relating to the undertaking of the company which has vested, under section 3 in the Central Government, shall be liable to account for the said books, documents or other papers to the Central Government and shall deliver them up to the Central Government or to such person as the Central Government may specify in this behalf.

(3) The Central Government may take or cause to be taken, all necessary steps for securing possession of the undertaking which has vested in it under section 3.

6. *Duty to furnish particulars.*—The company shall, within such period as the Central Government may allow in this behalf, furnish to at Government a complete inventory of all the properties and assets of the company, as on the appointed day, pertaining to the undertaking which has vested in the Central Government under section 3.

7. *Payment of compensation.*—(1) The Central Government shall deposit in Court in cash, to the credit of the company a sum of rupees eighty-one lakhs as compensation in respect of the transfer under section 3 to the Central Government of the undertaking of the company;

(2) Out of the total amount of compensation referred to in sub-section (1),—

(a) a sum of rupees eight lakhs shall be deposited by the Central Government within three months from the appointed day to the credit of the company;

(b) the balance of the amount of compensation shall be deposited in Court by the Central Government in ten equal annual instalments, the first of which shall become due on the date on which a period of one year expires from the appointed day and the subsequent instalments shall become due accordingly; and

(c) each instalment of the compensation, referred to in clause (b), shall carry interest at the rate of seven per cent per annum from the commencement of this Act.

(3) For the avoidance of doubts, it is hereby declared that the compensation referred to in sub-section (1) represents the realisable value of the assets of the undertaking, which has vested in the Central Government under section 3, and the liabilities of the undertaking shall be met from the said amount of compensation.

(4) In meeting the liabilities of the undertaking which has vested in the Central Government under section 3, the Court, by which the company owning such undertaking is being wound up, shall distribute, in due course of administration, the amount of the compensation amongst the creditors and, if there is any surplus left after such distribution, amongst the contributories of the company in accordance with their rights and interests.

8. *Management and administration of the undertaking.*—The undertaking, which has vested in the Central Government under section 3, shall be managed on behalf of the Central Government by such person or body of persons as may be nominated by the Central Government in this behalf, and such person or body of persons

shall carry on the management in accordance with regulations as may be made by the Central Government.

9. *Penalties.*—(1) Any person who—

(a) having in his possession, custody or control any property forming part of the undertaking of the company wrongfully withholds such property from the Central Government; or

(b) wrongfully obtains possession of any property forming part of the undertaking of the company which has vested in the Central Government under this Act; or

(c) wilfully withholds or fails to furnish to the Central Government or any person specified by that Government as required by sub-section (2) of section 5 any document which may be in his possession, custody or control; or

(d) wilfully fails to furnish an inventory as required under section 6; or

(e) when required to furnish such inventory, furnishes any particulars therein which are false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that the court trying any offence under clause (a) or clause (b) or clause (c) of this sub-section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the court any property wrongfully withheld or wrongfully obtained or any document wilfully withheld or not furnished:

Provided further that nothing contained in this section or any other provision of this Act shall render any person liable to be convicted of an offence in respect of anything done or omitted to be done by him before the appointed day.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

10. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or an officer or other employee serving in connection with the affairs of the undertaking of the company which is in good faith done or intended to be done under this Act.

11. *Repeal and savings.*—(1) The Asian Refractories Limited (Acquisition of Undertaking) Ordinance, 1971 (Ord. 13 of 1971) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.